

MADISON COUNTY, VIRGINIA

PERSONNEL POLICY



Updated August 29, 2018

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NOTES ON THE HISTORY OF THE MADISON COUNTY PERSONNEL POLICY

August 29, 2018

Date	Summary/Issue	Sections Affected
1995	Original Madison County Personnel Regulations	N/A
1998	Revisions to 1995 edition	Unknown
June 9, 2009	Updated Personnel Policy	Various per attached
February 8, 2011	Clarify hierarchy of the MBOS in relation to employees; Board participation in the hiring process of a Department Head, Board's role in the review/evaluation of Department Heads	1-6.1 3-3.1 3-3.4 3-9.2 3-13.3 7-6.1
June 14, 2011	Workman's compensation updates	4-19.2 4-20.8
June 10, 2013	Change payroll from monthly to twice monthly	4-16.1
March 11, 2014	Permit eligible County employees and their County-employee spouses to combine the county provided health insurance benefits into one joint family plan	4-18.1
August 12, 2014	Establish annual employee review period to November; employee classification; leave time accrual rates	4-20.3 7-2.1
February 9, 2016	Adjust annual leave accrual	4-20.3
April 11, 2017	Add language pertaining to employee authorization to take County-owned vehicles during off-work hours.	6-7.3
November 9, 2017	Policy updated to reflect all amendments to date.	N/A
August 28, 2018	Policy updated to amend use of property and equipment and add vehicle and driving policy	6-7.3 6-7.5

A COMPARISON OF THE 1998 AND 2009 MADISON COUNTY PERSONNEL POLICIES

Item/Description	1998 Personnel Policy	2009 Updated Personnel Policy
General day-to-day supervision of county department heads and employees	<u>County Administrator</u> (p.1) and <u>department heads</u> (p.5, 22, 27, 31, 33)	<u>County Administrator</u> (§1-6) and <u>department heads</u> (See §4, 5, 6, 7 where various supervisory responsibilities are assigned to department heads/supervisors). See also Va. Code §15.2-1541(3)
Designation of Personnel Officer/Director	<u>County Administrator</u> (p.5, 10)	<u>County Administrator</u> (§1-6), with delegation of certain payroll and benefits administration transactions to Financial Officer. See also Va. Code §15.2-1541(3) and (7); 15.2-1537
Annual Approval of Pay Plan, as part of Budget Process (establishment of annual salary for each full-time position authorized by the BOS, according to a graded scale)	(p.13)(<u>Board of Supervisors</u> , based on County Administrator's findings and recommendations)	<u>Board of Supervisors</u> (§4-2, 4-3.2) subject to Va. Code 15.2-415 and 15.2-1506, which require a compensation schedule that provides uniform compensation for like service). The Board of Supervisors must authorize each full-time position, and a specific salary for that position, each year. The County Administrator may change the grade of a position on the salary scale, but may not approve a salary in excess of what the Board has established for the position.
Determination of Initial Salary (Grade and Step) for a New Employee (based on the annual BOS-approved salary for that position)	<u>County Administrator</u> (p.10)	<u>County Administrator</u> (§4-4.1)
Establishment of "Rates of Pay" (i.e., translation of each annual salary into a per-hour rate, to be used for FLSA and other administrative calculations)	Rates of Pay are described (and required, p. 12) and formulas provided, but <u>no responsibility was assigned</u> for actually calculating the rates for individual positions	<u>County Administrator</u> (§4-2.2)
Automatic Annual Pay Increase (One Step, subject to satisfactory evaluation)	<u>Authorized</u> (p.10) (note: prior to 2007, employee evaluations were not being conducted)	<u>No automatic step increases</u> —all compensation must be approved annually in the Pay Plan by the Board as part of the budget process (§4-2.1.1.2)
Longevity Pay, after reaching maximum step in pay grade	Authorized (p.10) (subject to approval by County Administrator)	Authorized (§4-8, procedures establish when an employee will qualify)
Determination of Pay upon Promotion or Demotion, subject to limitations set forth in policy	<u>County Administrator</u> (p.11)	<u>County Administrator</u> (§4-5)
Establishment of FLSA status ("exempt" or "Non-exempt" from overtime pay requirements, based on FLSA regulations and definitions)	<u>County Administrator</u> (p.12)	<u>County Administrator</u> (§1-6.1, §4-9.1)
Oversight of compliance with FLSA Overtime Laws and Regulations	<u>County Administrator</u> assigned to establish overtime policies for each department (p.12)	Overtime policy established by written procedures, applicable across all County departments according to FLSA

		laws (§4-9). <u>County Administrator</u> oversees compliance with policy (§1-6)
Provisions for earning “annual leave”, at rates based on years of service	Authorized (p.22)	Authorized (§4-20.3)
Cap on maximum amount of annual leave that may be accumulated from one year to the next	None.	<u>Established</u> , §4-20 (cap on accumulation 640 hours; cap on maximum hours compensated upon separation 240)
Extended Leave Pool using time donated by employees	None	<u>Established</u> , §4-20.12
Inclement Weather Policy (Relating to Hours of Work)	None	§5-4
Equal Opportunity Policy Statement	(p.2)	(§3-1)
Procedures for Classification of Job Positions, based on common knowledge, skills and abilities requirements	None	§2. <u>(a Classification Plan is required by state law, Va. Code 15.2-1506)</u>
Procedures for Hiring and Appointment of New Employees	None	Procedures set forth in §3; <u>per Va. Code 15.2-1541(7) County Administrator</u> is assigned responsibility for appointment of officers and employees to BOS-authorized positions, after following hiring procedures
Performance Evaluation Policy	Authorized (p.33) but not implemented prior to 2007	Authorized (§7) and <u>implemented in practice by County Administrator and department heads since 2007</u>
Process for termination of employment and Grievance Procedures, consistent with state law	Procedures established (pp. 39, 40, 45-55) were inconsistent with requirements of Va. Code	<u>Updated Procedures established (§8) to comply with Va. Code 15.2-1507</u>
Adherence to Commonwealth-of-Virginia schedule of legal holidays	<u>Authorized</u> (p.21, with reference to old Va. Code 2.1-21, now 2.2-3300)	<u>Same</u> , See §4-20.7.1
Layoff Procedures	None	Established §3-13.4
Volunteer Fire and Rescue Squad Policy	Employees may respond to calls during business hours provided their absence does not interfere with County operations (p.30)	See §4-20.5.2
Employee Conflicts of Interests Provisions	Limited (p.42), essentially none	Updated, §6-3
Limitation on Political Activities in the Workplace	Limited (p.42), essentially none	Updated, §6-7-2
Policy on Use of County Information Systems	None	§6-4. Updates required, to comply with federal Hatch Act and Va. Code 15.2-1512.2
Policy on Privacy of Information	None	§6-5
Employee Discipline Procedures	Limited (p.39)	Updated, §6-9
Rules of Conduct	(pp.35-38)	Updated, §6

Prepared by the County Administrator in November 2009

SECTION 1: GENERAL PROVISIONS

1-1. Adoption; amendments

- 1-1.1. The County of Madison, Virginia's Personnel Policy, consisting of the various rules, regulations and procedures set forth in this manual, supersedes all previous Personnel Policies and, having been originally adopted by the Board of Supervisors and approved by the County Administrator, the Personnel Policy shall govern all County employees, other than those specifically exempted.

1-2. Purpose

- 1-2.1. To provide equitable conditions of employment for County personnel;
- 1-2.2. To establish and maintain uniform standards of personnel administration; and
- 1-2.3. To provide guidelines for supervisors as to how management of personnel may be performed in a fair and consistent manner.

1-3. Scope of Application

- 1-3.1. Except where otherwise provided, the rules and regulations set forth within this policy manual shall apply to all departments of the general government of Madison County.
- 1-3.2. A Constitutional Officer who wishes for his or her employees to participate in one or more aspects of the County's personnel system shall make a written request to the Board of Supervisors and County Administrator. Once approved by the County, the request shall remain in effect until rescinded or until a new Constitutional Officer takes office.
- 1-3.3. Circuit, General District and Juvenile and Domestic Relations District ("JDR") Court Judges are specifically exempt from this Personnel Policy, as are the Clerks of the General District Court and JDR courts and their employees.

1-4. Amendment

- 1-4.1. The rules and regulations set forth within this policy manual may be amended by the County Administrator, following notice to Department heads and an opportunity for Department heads to provide comment. However, any amendment that would result in an increase of the County's budget beyond the approved current fiscal year appropriations must be ratified by the Board of Supervisors prior to taking effect.

- 1-4.2. In the event that the County Administrator intends to amend any rule or regulation, she shall provide at least 10 working days advance notice to Department heads of the proposed amendment.

1-5. Responsibility for Compliance

- 1-5.1. Department heads and key officials shall take necessary and prompt action to insure compliance with this Personnel Policy within their respective departments.

1-6. Administration

- 1-6.1. The Board of Supervisors is ultimately responsible for the administration of county functions. However, the Board cannot stay in session continuously; as a result, the Board has employed a County Administrator to serve as chief administrator officer. The County Administrator is responsible to the Board for the proper management of county business, and shall have the duties set forth in Sections 15.2-1540 and 15.2-1541 of the Virginia Code.

- 1-6.2. Chief Personnel Officer. The County Administrator shall be the chief personnel officer for the County. The chief personnel officer shall direct the administration of the County's Personnel Policy and may delegate to the Director of Finance such responsibility for administration as she deems appropriate.

- 1-6.3. Finance Director. The Director of Finance is charged with the following administrative responsibilities:

- 1-6.3.1. Administration of the County's payroll

- 1-6.3.2. Administration of the County's retirement and benefits programs

- 1-6.3.3. Administration of the County's workers' compensation benefits

- 1-6.3.4. Such other duties as the County Administrator may assign.

1-7. Availability

- 1-7.1. This Policy manual shall be maintained by the County Administrator and a complete copy (electronic or paper) shall be available in the office of each department head.

- 1-7.2. This Policy will also be available for review by any employee during normal business hours, in the office of the County Administrator.

1.8. Interpretation

- 1-8.1. A word used in the masculine includes the feminine and neuter. A word used in the feminine includes the masculine and neuter.

SECTION 2: CLASSIFICATION OF POSITIONS

2-1. Classification Plan

- 2-1.1. The Classification Plan provides for the grouping of all positions in classes, based upon classification factors determined by the County Administrator.
- 2-1.2. The Classification Plan consists of the following:
 - 2-1.2.1. Written specifications of the classes of positions with their titles; and
 - 2-1.2.2. Provisions for the allocation of each position to its appropriate classification.

2-2. Amendments to the Classification Plan

- 2-2.1. The Classification Plan may be amended by the County Administrator.

2-3. Class Specifications

- 2-3.1. Each class specification shall describe the essential nature of the work, characteristics of positions of the class, and a statement of the minimum qualifications, knowledge, skills, and abilities necessary to perform the duties assigned.
- 2-3.2. The class specifications shall be considered as descriptive rather than restrictive, and they shall be used to indicate the kinds of positions that should be allocated to the respective classes. They shall not be used to establish the specific duties or responsibilities of any position, or to limit the ability of a department head or supervisor to assign duties or to direct, control or evaluate the work of any employee.

2-4. Class Title

- 2-4.1. The class title of a position shall be used as the official title of the position wherever such position is designated in any payroll, budget, or other official records and reports.
- 2-4.2. The official class title shall be assigned by the County Administrator. Department heads may assign "informal" titles to such positions as they deem appropriate and necessary.
- 2-4.3. The term "*deputy*" shall be used to refer to a position held by an individual who is appointed to act as a substitute for his department head and in his behalf of, in the name of the department, in matters in which the

department head himself may act. Department heads and their deputies are considered public officials.¹

- 2-4.4. The term "*assistant*" shall be used to refer to a position held by an individual who is not a deputy but who aids or helps a public officer.²

2-5. Maintenance of Classification Plan

- 2-5.1. The County Administrator shall from time to time review the duties, responsibilities and qualification requirements of all classified positions.

- 2-5.2. Whenever there are significant changes in a particular job position, it is the responsibility of the department head to request a reclassification study.

- 2-5.3. It is the responsibility of each department head to notify the County Administrator whenever a position is no longer needed.

2-6. Personnel Complement

- 2-6.1. The Personnel Complement is a listing of all authorized positions. An "*authorized position*" is a permanent job position that has been approved by the Board of Supervisors and for which funding has been provided in the County's budget. There are three categories of permanent positions, based upon funding sources:

- 2-6.1.1. Category I: County funded

- 2-6.1.2. Category II: funded by a mix of County and non-County sources

- 2-6.1.3. Category III: non-County funded

- 2-6.2. The Finance Director shall maintain the official historical and current Personnel Complement.

- 2-6.3. Each department head shall similarly maintain a record of established positions for their respective departments.

- 2-6.4. Additional authorized positions funded in whole or in part by the County may be established only with the approval of the Board of Supervisors. However, the County Administrator may reallocate and redistribute existing positions within and between departmental complements in her sole discretion.

¹ VA Code 15.2-1502(B)

² VA Code 15.2-1502(C)

- 2-6.5. No person shall be hired, promoted, demoted, transferred or paid in any position funded in whole or in part by the County until the position has been approved by the County Administrator and Director of Finance.

2-7. Independent Contractors

- 2-7.1. On occasion the County may contract with an individual or company to provide specified services within a certain timeframe. These independent contractors are not employees of the County are not subject to tax withholding and are not entitled to employee benefits.
- 2-7.2. Payments to independent contractors are reported on IRS Form 1099 or W-2 as determined by the Department of Finance.
- 2-7.3. The Internal Revenue Service presumes that individuals providing personal services are employees, not independent contractors and therefore that taxes should be withheld from their compensation. Departments wishing to treat individuals as independent contractors should consult with the Director of Finance and County Attorney to ensure proper tax treatment.

2-8. Hourly, seasonal and temporary employees.

- 2-8.1. *Hourly [part-time] employees.* Regular hourly employees are hired for 37.5 or fewer hours per workweek and may work for an extended, indefinite period of time. The rate of pay is set by the County Administrator. Hourly employees are not eligible for benefits and do not earn leave.
- 2-8.2. *Seasonal employees.* Seasonal employees (full- or part-time) are employees hired for a specific program, project or type of service for a defined period of time. The rate of pay is set by the County Administrator. Seasonal employees are not eligible for benefits and do not earn leave.
- 2-8.3. *Temporary employees.* Temporary employees (full- or part-time) are hired for a designated period of time, not to exceed 12 months³. The rate of pay is set by the County Administrator. Temporary employees are not eligible for benefits and do not earn leave.
- 2-8.4. Hourly, seasonal or temporary positions are not permanent, authorized positions.
- 2-8.5. Continued employment or increases in rate of pay are not guaranteed and should not be expected.

³ Va. Code 15.2-1503(A)

SECTION 3: APPOINTMENTS & SEPARATIONS

3-1. Hiring and Promotion Practices.

- 3-1.1. Equal opportunity employer.
 - 3-1.1.1. It is the policy of the County to obtain the best-qualified applicants available for each vacant position, without regard to sex, race, color, religion, national origin, age, disability or other non-job-related factors.
 - 3-1.1.2. The County will not discriminate against any applicant for employment because of race, religion, color, sex, national origin, age, disability or other basis prohibited by law relating to discrimination in employment, except where there is a bona fide occupational qualification reasonably necessary to the normal operations of the County department in which the employment vacancy exists.
- 3-1.2. Drug-free workplace.
 - 3-1.2.1. The County maintains a drug-free workplace for its employees.
- 3-1.3. Employment based on County residency.⁴
 - 3-1.3.1. No offer of employment, or any feature of employment, including promotion, shall be conditioned on the basis of residency within the County, except for the following:
 - 3-1.3.1.1. Employees who by law serve at the will of an appointing authority;
 - 3-1.3.1.2. Deputies and executive assistants to the County Administrator;
 - 3-1.3.1.3. Department heads and their deputies.
- 3-1.4. Employment of relatives.
 - 3-1.4.1. The circumstances under which a member of the immediate family of a current County employee may be employed by the County are governed by Virginia's State and Local Government Conflict of Interests Act. Generally, no County officer or employee and a member of his or her immediate family may be employed within the same department, if (i) the officer or employee would exercise any control over the employment or employment activities of such family member, or (ii) the officer or employee would be in a position to influence the employment activities of such family member.⁵

⁴ VA Code 15.2-1505

⁵ VA Code 2.2-3109

3-1.4.2. The term "immediate family member" refers to a spouse and any other person residing in the same household as the officer or employee, who is a dependent of the officer or employee, or of whom the officer or employee is a dependent.

3-1.4.3. Questions concerning the interpretation or application of this rule, or of any other provision of the Conflict of Interests Act, should be directed to the County Attorney or to the Commonwealth's Attorney.

3-2. Types of Recruitment.

3-2. 1. Internal recruitment.

3-2. 1. Internal recruitment is a process that allows only current county employees (full-time or part-time) in authorized positions to apply for a posted internal vacancy.

3-2.1.2. Appropriate testing and selection procedures will be followed, as determined by the County Administrator. The County Administrator may veto a department head's selection for good cause, and may abandon a recruitment effort if, in her judgment, such action is appropriate.

3-2.1.3. Job postings for internal recruitment positions will be done in County offices only and may be limited to incumbents of selected classes or positions, to specific departments or to specific work settings, as approved by the County Administrator.

3-2.2. External recruitment.

3-2.2.1. External recruitment allows any interested individual, including current County employees, to apply for posted job vacancies according to normal procedures.

3-2.2.2. Job announcements for authorized vacant positions shall be extensively posted, both on paper and electronically, and shall also be advertised in media outlets such as newspapers, professional and trade magazines, and internet sources.

3-2.2.3. Elected Constitutional Officers (i.e., the Sheriff, Commonwealth's Attorney, Treasurer, Commissioner of Revenue, and Clerk of Court) shall be responsible for advertising vacant positions within their offices in accordance with Virginia Code 15.2-1604. Upon hiring an individual, the Constitutional Officer shall certify, on a form approved by the County Administrator, compliance with the requirements of 15.2-1604.

3-2.3. Continuous recruitment.

- 3-2.3.1. Departments may receive and consider applications on an ongoing basis for part-time and seasonal positions for which vacancies frequently exist or recur.
- 3-2.3.2. When this type of recruitment is used, a Department head will establish a time period for applications to remain active for jobs for which continuous recruitment applies, and the Department head shall notify applicants accordingly.
- 3-2.3.3. All applicants with active applications must be considered for each opening. A continuous recruitment may be discontinued at any time. A department head who discontinues a continuous recruitment process shall notify applicants with active applications.
- 3-2.4. Selection of recruitment type. A department head may request any type of recruitment effort; however, the County Administrator shall make the final determination as to the type of recruitment effort to be conducted.

3-3. Procedures for Filling Funded, Vacant Positions

3-3.1. Department Heads

- 3-3. 1.1. Each time a vacancy occurs with respect to a funded, Department-head position, the County Administrator shall notify the Board of Supervisors of the vacancy.
 - 3-3.1.1.1. The County Administrator shall make a recommendation to the Board as to the need for filling the vacancy.
 - 3-3.1.1.2. If the Board concurs that there is a need to fill the vacancy, the County Administrator shall seek the direction of the Board as to the type of recruitment process to be followed (i.e., internal or external, see section 3-2, above, and the County Administrator shall review with the Board the job description for the position and the position shall be updated, if necessary or desired by the Board. The Board shall advise the County Administrator as to whether and how they may wish to participate as a Board in the process of interviewing candidates.
 - 3-3.1.1.3. The County Administrator shall proceed with the recruitment process specified by the Board and shall review applications received. The County Administrator shall make a preliminary determination of which applicants meet the requirements and qualifications specified in the job description.
 - 3-3.1.1.4. The County Administrator shall conduct interviews of a minimum of at least two of the best qualified applicants. If the Board has indicated a desire to participate in the interview process, closed-session interviews will be conducted with the Board as permitted by the Virginia Freedom of

Information Act. These interviews may be in conjunction with or may be separate from interviews conducted by the County Administrator, as desired by the Board. If only one applicant is fully qualified, or if one applicant is clearly more highly qualified and suitable than the others under consideration, then, with the agreement of the Board, an interview of just that one applicant may be conducted.

3-3.1.1.5. Upon conclusion of the interviews the County Administrator shall review with the Board in closed session the results of the interviews and the qualifications of the candidates interviewed. The County Administrator shall seek the consent of the Board to make an offer of employment to the candidate deemed best qualified for the position.

3-3.2. Employees Other than Department Heads

3-3.2.1. Each time a vacancy occurs with respect to a funded position, and a department head supports the need for filling the vacancy, the department head shall notify the County Administrator.

3-3.2.2. The department head will determine the necessity for and the appropriate methods of attracting qualified applicants for the vacant position, in consultation with the County Administrator.

3-3.2.3. No person may be hired without having been interviewed for a position. All scheduled interviews must be completed before a final selection decision and job offer are made. A department head may either interview all applicants for a position, or may reduce the applicant pool by screening applications/resumes and interviewing only those applicants who are deemed to be best qualified for the available position. County officials are not required to reschedule interviews with applicants who were unable to be present at a scheduled interview.

3-3.3. The County must screen applications/resumes according to the qualifications established for the position and must apply those criteria consistently to all applicants.

3-3.3.1. A department head may request clarification and follow-up information from an applicant at any point in the hiring process.

3-3.3.2. Consistent with the requirements of Va. Code 15.2-1509 a veteran 's military service shall be taken into consideration by the County during the selection process, provided that such veteran otherwise meets all of the knowledge, skill and ability requirements for the available position.

3-3.4. Upon completion of the selection process, prior to making any offer of employment, the department head will review the process and results with the County Administrator, and shall obtain the County Administrator's

concurrence as to which candidate is best qualified for the position and consent to make an offer of employment to that candidate.

3-3.5. Upon final selection of the best qualified candidate for the position, a Department head shall extend a written offer of employment to the individual selected. Individuals employed by the County are employed according to provisions of applicable personnel policies and not according to any contract, either express or implied. Employment offer letters should:

3-3.5.1. Avoid implying a contract or a guarantee of employment for any particular period of time

3-3.5.2. Describe any conditions of employment, including notice that a particular position is funded by grant money and that the position may be eliminated if grant funds are no longer available

3-3.5.3. State the applicable probationary period; and explain any required certification or training period that may apply.

3-3.6. Once a candidate has accepted an employment offer and a start-date has been set, the department head will provide, in writing, the following information:

3-3.6.1. Where, when and to whom to report;

3-3.6.2. Materials or information needed on the first day, such as a list of acceptable documents needed to complete the I-9 (Employment Eligibility) form;

3-3.6.3. Information concerning benefits and elections that will need to be made prior to or shortly after beginning work.

3-4. Pre-employment investigations.

3-4.1. Criminal history.

3-4.1.1. If authorized by an ordinance duly adopted by the Board of Supervisors pursuant to Virginia Code §19.2-389, applicants for County employment may be required to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange and the Federal Bureau of Investigation for the purpose of obtaining a criminal history record information regarding the applicant.⁶

⁶ VA Code 15.2-1503.1, 1505.1

- 3-4.1.2. Deputy sheriffs shall be required to undergo a criminal history investigation, as set forth in Va. Code 15.2-1705, whether or not the Board of Supervisors has enacted an ordinance.
- 3-4.1.3. Federal Law prohibits anyone who has been convicted of a misdemeanor crime of domestic violence from possessing any firearm or ammunition. A Department head shall ascertain information about applicants' convictions for domestic violence before they are employed in any position that requires or authorizes the carrying of a firearm.⁷
- 3-4.2. Medical exams.
 - 3-4.2.1. Pre-employment medical inquiries and examinations may be conducted only in accordance with the federal Americans with Disabilities Act ("ADA"). Under the ADA such medical inquiries and examinations may be required only after all other factors have been evaluated and a conditional offer of employment has been made.
 - 3-4.2.2. Deputy sheriffs are required by Va. Code 15.2-1705 to undergo a physical examination, subsequent to a conditional offer of employment.
- 3-4.3. Drug screenings.
 - 3-4.3.1. Pre-employment drug screenings may be administered to an applicant, subsequent to a conditional offer of employment, in cases where the job to be performed involves the carrying of a firearm, the operation of vehicles requiring a commercial driver's license (CDL), or other duties of a hazardous nature.
 - 3-4.3.2. A list of positions for which pre-employment drug screenings may be administered must be approved in advance by the County Administrator.
 - 3-4.3.3. When pre-employment drug screenings are utilized, they shall be administered by an independent contractor experienced in using procedures consistent with the Department of Transportation 's (DOT) Rule, 49 CFR Part 40, which describes required procedures for conducting workplace drug and alcohol testing.
- 3-5. Fixing Employment Date.**
 - 3-5.1. Employment shall become effective as of the date on which the employee officially begins the performance of the duties of his position. This shall include new employee orientation and training.

⁷ Title 18 U.S. Code Section 922(g)(9)

- 3-5.2. Effective dates shall be established to coincide with the beginning of a regular pay period (i.e., the first day of a calendar month). Exceptions to this may be made only by the Director of Finance or County Administrator.

3-6. Probationary Status.

- 3-6.1. All County employees must satisfactorily complete a 6- month probationary period immediately following their initial employment or reemployment. A performance evaluation must be completed on each employee prior to removing him from probationary status.

- 3-6.2. The probationary period should be used as a training period to determine whether or not an employee is suited for the job. During this period of employment, employees may be terminated at any time by a department head, following consultation with the County Administrator.

- 3-6.3. Any probationary period may be extended if, in the assessment of the applicable department head the probationary period has been insufficient to determine whether the employee can satisfactorily perform the duties of the position. Prior to promising any extension, the department head shall obtain the concurrence of the County Administrator.

3-7. Seasonal Hiring.

- 3-7.1. A department head with sufficient funding in his budget may hire employees on a temporary or hourly basis for seasonal positions. Once employed such employees may remain on the payroll until such time as the seasonal assignment is concluded or the agency no longer desires their services.

3-8. Reinstatement and Reemployment.

- 3-8.1. Reinstatement. Anytime an employee returns to work from an authorized leave of absence, or goes from a non-paid status into a paid status within 6 months, that constitutes a "reinstatement." A reinstated employee is treated as having been on leave without pay for the time he was away, and the employee's leave balances for which payment has not been made will be returned to the same level that existed immediately prior to or moving into the non-paid status. The employee's service date is not affected by the non-paid status; however, an employee's leave accrual date will be adjusted (delayed) by the period of time the employee remained in non-paid status.

- 3-8.2. Reemployment. When an employee has separated from employment and is subsequently employed again with the County, that constitutes

"reemployment." Should a former employee be reemployed within 6 months from the effective date of his separation, the reemployment may be treated as a reinstatement. If the employee has been gone longer than 6 months from the effective date of his separation before being employed again, the reemployment process (and the employee's status) is the same as for a new employee.

3-9. Tenure.

- 3-9.1. All appointments of officers and hiring of employees shall be without definite term, unless for temporary services not to exceed one year or except as otherwise provided by Law.⁸
- 3-9.2. Any officer or employee may be suspended or removed from office or employment at will. Any such suspension or removal from office shall be subject to any applicable procedures set forth within the County's personnel policy.
- 3-9.3. In case of the absence or disability of any County officer or employee the County Administrator may designate an individual to temporarily perform the duties of the office.

3-10. Joint employees.

- 3-10.1. The County Administrator may arrange with another locality for the joint employment of any person.
- 3-10.2. Every joint employee shall exercise in each locality all of the powers and duties imposed on such person by law or by contract.
- 3-10.3. For purposes of salary, retirement and other employee benefits, public liability insurance and bonds, a joint employee shall be considered the employee of one locality.
- 3-10.4. The share of the costs of salary, retirement and other employee benefits and expenses for a joint employee shall be paid to the primary employing locality by the other locality, in the manner and amount agreed upon.
- 3-10.5. Joint employment may be pursuant to a written or unwritten agreement between or among the employing localities, containing such terms and conditions as agreed upon.

3-11. Emergency hiring.

⁸ Va. Code 15.2-1503

- 3-11.1. There may arise occasions where circumstances necessitate the hiring of personnel outside of the normal procedures for filling vacancies. Authority to hire on an emergency basis, and any commitments on offering the job, beginning salary and starting date, must be approved in advance by the County Administrator. If the position is a Department head position, then the emergency hiring process must be approved in advance by the Board of Supervisors.

3-12. Provisional hiring.

- 3-12.1. A provisional hire is an individual employed with certain provisions spelled out as a condition of employment.
- 3-12.2. All employees hired into positions where funding is dependent on outside sources, in whole or in part, shall be considered as being hired provisionally and their continued employment is expressly contingent on the continued availability and appropriation of funding from those outside sources.

3-13. Separations

- 3-13.1. Separations. Any time an individual leaves County employment, the departure is referred to as a "separation". There are several categories of separations, as described in this subsection.
- 3-13.2. Resignations. An employee desiring to resign from County employment in good standing shall submit a letter to his supervisor, setting forth the reason for leaving with a period of notice of not less than two (2) weeks. A review of benefits at the time of separation normally will be offered to employees leaving County service. An employee may contact the Finance Office to obtain answers to specific questions.
- 3-13.3. Terminations. An individual's employment with the County may be terminated for failure to maintain an acceptable level of performance or for disciplinary reasons. The County Administrator is to be contacted prior to the termination of any employee by a Department head and the County Administrator must concur with the decision to terminate employment. Prior to termination of a Department head, the Board of Supervisors and County Administrator shall confer on the matter and shall review the relevant circumstances. The County Administrator may not terminate a Department head without the consent of the Board.
- 3-13.3.1. Prior to termination, a non-probationary employee or Department head must be given notice of the reason(s) justifying his dismissal, and an opportunity to explain his or her side of the story. If, following this process, the County proceeds with termination, then the employee shall be provided a written termination letter, which shall specify an effective

date of separation no sooner than 10 days from the date of the notice. The termination letter shall also give notice of whether the County's grievance procedure is available to the employee.

3-13.3.2. Probationary employees, as well as employees whose appointments are for a specific period of time (e.g., seasonal employees), or whose appointments are to grant-funded positions, may be dismissed with or without cause and are not eligible to use the County's grievance procedure.

3-13.4.. Reduction in the workforce (layoffs).

3-13.4. The following procedure shall apply to a reduction in the workforce of the County caused by adverse economic conditions, reorganization within the County, lack of sufficient work, abolishment of positions fully funded by the County, or other, similar circumstances. This procedure does not apply where a reduction in the workforce involves any position that is not fully-funded by the County (such as grant-funded positions, or positions otherwise dependent on the availability of funding from non-- local sources), as employees in such positions do not have a right to or expectation of continued employment. The County Administrator has the right and obligation to manage the workforce to the best interests of the county and may require implementation of this reduction in workforce procedure. Unless specific instructions are received from the County Administrator, the following will serve as the general procedure for a reduction in workforce for positions fully-funded by the County.

3-13.4.1.1. The County has provided procedures for the removal of employees for unsatisfactory performance and for disciplinary reasons; therefore, it will be presumed that employees are serving in a satisfactory manner. The length of continuous County service will provide the basis for determining the order of layoff in order to provide for a uniform, fair, equitable and effective base for the determination of layoffs. Circumstances may cause other considerations to be the basis for determining order of layoff, as approved by the County Administrator. Such considerations may include, but are not necessarily limited to, past performance.

3-13.4.1.2. In the event of a reduction in the workforce, it will be managed on a departmental basis. The department head, unless otherwise directed by the County Administrator, will have responsibility for the identification of organizational sections, job classifications, positions and individuals affected. Additionally, the department head will determine the order for layoff by classification. Once that order has been determined, if there is more than one person in this classification, the employee with the least amount of continuous County employment will be the first to be laid off unless the County Administrator has previously approved an alternate plan.

- 3-13.4.1.3. No reduction in force shall occur without it first being discussed and coordinated with the County Administrator. In all cases where a reduction in the workforce necessitates the actual removal of personnel, upon identifying classification(s) to be affected, the following order of priority will be strictly adhered to within the specified classification, unless an exception is approved by the County Administrator :
- 3-13.4.1.3.1. Temporary or seasonal employees
- 3-13.4.1.3.2. Hourly employees
- 3-13.4.1.3.3. Provisional employees in authorized positions
- 3-13.4.1.3.4. Part-time employees in authorized positions
- 3-13.4.1.3.5. Probationary employees
- 3-13.4.1.3.6. Full-time employees in authorized positions
- 3-13.4.1.4. So far as practical, all employees to be laid off will be provided with a minimum of two (2) weeks' written notice, subject to the availability of funding.
- 3-13.4.1.5. All employees who have been laid off due to a reduction in the workforce will be given first preference consideration in any reinstatement or reemployment should a vacancy of the same classification within the same agency in which they left occur. This preference shall be limited to a period of six (6) months from the date of separation due to layoff.
- 3-13.4.1.6. Any employee who may be in the process of another administrative procedure (for example, a grievance) is still covered under this procedure. If such an employee is laid off, he will be entitled to continue to pursue the other administrative procedure if he so chooses; however, it will be done in the status resulting from the effect of the layoff policy.
- 3-13.5. Disability separation. In the event an employee will be leaving the County due to an illness or injury which prevents the employee from performing the essential functions of his job, the employee shall contact the Finance Office to discuss benefit options. This type of separation must be coordinated with workers' compensation benefits, if the illness or injury is work-related and has been ruled as being compensable under the Workers' Compensation Act.
- 3-13.6. Separation date.
- 3-13.6.1. Except as specified below, when an employee separates from County service, the effective date shall be the last day that the employee is

physically on the job. The County is not responsible for matter affecting the employee following his physical absence from the job. It is not permissible to delay the effective date of termination by any amount of accumulated annual, sick, holiday or compensatory leave due to the terminated employee. Pay for annual, compensatory and holiday leave balances to eligible employees shall be paid on a lump sum basis (see Section 4, Compensation and Leave).

- 3-13.6.2. If an employee is on approved injury leave, workers' compensation leave, Family and Medical leave, or leave without pay when separated, then the effective date of separation will be the actual date of separation as given by the employee or by the County, and such date will not necessarily be the last day the employee was physically on the job.
- 3-13.6.3. When the effective date of a separation immediately precedes a holiday, the employee shall not be paid for the holiday, since he or she is no longer an employee.
- 3-13.7. Notice of payroll separation. When an employee becomes separated from employment, regardless of reason, the employee's department head shall immediately notify the Finance Office. Complete information surrounding the reasons for separation shall be provided to the Finance Officer, for inclusion in the employee's personnel record.
- 3-13.8. Final settlement. When an employee becomes separated from employment, he shall receive his final paycheck on the next regular payday. The final paycheck will not be released to the separated employee until all County-furnished equipment (i.e., vehicles, equipment, supplies, uniforms, ID cards, badges, work tools, etc.) have been returned to or accounted for by the County, and until all financial accounts with the County have been settled.

SECTION 4: EMPLOYEE COMPENSATION AND LEAVE POLICY⁹

4-1. Applicability.

- 4.1.1. This Section of the County's Personnel Regulations shall apply to all County employees and to all employees of the County's Constitutional Officers whose positions are funded, fully or partially, by the County.
- 4-1.2. In the event that a Constitutional Officer adopts policies pertaining to compensation and leave which are inconsistent with this Section, or which would result in any financial obligation above and beyond what has been specifically approved by the Board of Supervisors within the Constitutional Officer's budget for the current fiscal year, the County shall have no obligation to fund such obligation.

4-2. Compensation Plan.

- 4-2.1. Defined.
 - 4-2.1.1. The Compensation Plan for the authorized positions in the service of the County shall consist of:
 - 4-2.1.1.1. A pay grade assigned by the County Administrator for each job classification; and
 - 4-2.1.1.2. A salary scale approved by the Board of Supervisors as part of the annual budget.
 - 4-2.2. Establishment of Rates of Pay.
 - 4-2.2.1. The County Administrator shall fix the annual rates of pay for individual employees within a pay grade, in consultation with the applicable Department head. All annual pay rates are authorized for full-time employment for 12 months, with allowances for holidays and approved leaves of absence with pay.
 - 4-2.2.2. Individuals employed in an authorized position on a full-time or part-time basis will be paid at a rate determined by the County Administrator, including full-time employees of the Sheriff's Department who hold positions partially- funded by the Compensation Board and positions that are fully-funded by the County.
 - 4-2.2.2.1. The rates of pay for full-time service are based on a 40-hour workweek (2080 hours per year).

⁹ June 14, 2011 Board of Supervisors action

- 4-2.2.2.2. The rates of pay for part-time service shall be proportionate to the percentage of time for which employed. The equivalent of annual rates of compensation shall be based on an 8-hour day/40-hour week.
- 4-2.2.3. The Sheriff shall establish an hourly rate of pay for each individual employed within the Sheriff's department as part-time deputy. Hourly compensation per hour of service shall not exceed the hourly equivalent of the minimum annual salary paid to a full-time deputy who performs like services within the County.¹⁰
- 4-2.2.3.1. The Sheriff shall file a monthly report with the Board of Supervisors, on or before the 5th day of each month, showing in detail all services and hours of service rendered by part-time deputies.¹¹ This report shall be delivered to the County Administrator on a form designated by the Administrator.

4-3. Amendments to the Compensation Plan.

- 4-3.1. In establishing or amending the pay grade for any classification(s), the County Administrator shall ensure that the overall schedule of compensation for County officers and employees, so far as practical, provides uniform compensation for like service.¹²
- 4-3.2. From time to time the Board of Supervisors, as part of the approval of the annual budget, may adjust the approved salary scale for County officers and employees.

4-4. Interpretation and Effect of the Salary Scale.

- 4-4.1. Entrance Rate.
- 4-4.1.1. The normal entrance rate for a newly-hired employee for any position of any class shall be the lowest or minimum rate in the scale for the class (Step 1).
- 4-4.1.1.1. The County Administrator may, in appropriate cases, approve an entrance rate for a newly-hired employee that is above the lowest step.
- 4-4.1.1.2. An entrance rate one or two steps below the minimum may be paid during a training period when an appointee is not fully qualified or when there is no other suitable, fully-qualified applicant. In this case, the employee's appointment shall be for a specific and temporary period of time (not to exceed one year), to become permanent only when the employee meets the minimum qualifications.

¹⁰ VA. Code 15.2-1609.9

¹¹ VA Code 15.2-1609.9

¹² VA Code 15.2-452

- 4-4.1.2. The County Administrator shall make the final determination regarding the appropriate rate of pay for newly-hired employees, based on the recommendation of the applicable Department head(s), the availability of funding, and the overall impact on the County's Compensation Plan.

4-5. Promotions and Demotions.

- 4-5.1. When promoted from one classification to a classification with a higher pay grade ("promotion"), an employee may receive a step increase equal to the difference between pay grades or the first step of the higher classification, whichever is greater.

- 4-5.2. If an employee is changed from one classification to a classification carrying a lower pay grade ("demotion") the employee's rate of pay will be reduced. A demotion shall be treated as the reverse of a promotion and shall follow the reverse of the "step rule" outlined in paragraph 3.4.1, above.

- 4-5.3. The County Administrator may determine a different rate of pay for a demotion in appropriate circumstances.

4-6. Reclassification of Positions.

- 4-6.1. When an employee's position is reclassified to a higher pay grade, and the incumbent employee is assigned to the higher-level position, salary is treated as a promotion. No employee who has received, or is to receive, an upward salary grade adjustment during a fiscal year shall be eligible for any scale adjustment, merit pay or other generally-applicable salary increase for that same fiscal year.

- 4-6.2. When an employee's position is reclassified to a lower pay grade, and his current salary is above the maximum for the lower grade, the employee shall be permitted to continue at his present rate of pay (except in the event of general service-wide reductions) but he shall not be entitled to the annual scale adjustment, merit pay or generally-applicable salary increases, until subsequent classification grade increases or general scale adjustments bring the employee's salary within the approved pay grade for the classification.

4-7. Merit Increases.

- 4-7.1. Subject to the Board of Supervisors' approval and appropriation of funding for merit pay increases in the annual budget, merit increases may be awarded annually at the beginning of a fiscal year (July 1 each year) based on employees' performance during the preceding year.

- 4-7.1.1. New employees hired (or re-employed) after April 1 will not be eligible for a merit increase for the next fiscal year.

- 4-7.1.2. New employees hired (or re-employed) on or after January 1, but on or prior to April 1, will be eligible to receive the annual merit increase upon the successful completion of probation.
- 4-7.2. A Department Head may disapprove or delay a merit increase, if an employee's performance is not at an acceptable level, and a Department Head may also withdraw a previously approved merit increase if the required level of performance has not been maintained.
- 4-7.3. An employee will not be eligible for a merit increase:
- 4-7.3.1. If the employee did not receive an acceptable or better performance rating on his most recent evaluation; or
- 4-7.3.2. The employee's job position has been reclassified resulting in an increase of more than one step, or will be reclassified, within six months of July 1.
- 4-7.4. The County retains discretion both as to whether merit pay will be available, and in what amounts. This decision will be made each year by the Board of Supervisors and County Administrator at the time the County's annual budget is adopted.
- 4-7.5.. Within budgeted funding, the County Administrator shall establish the maximum percentage of merit pay that may be awarded to an employee based on the employee's performance rating, for example:
- | | |
|--------------|------|
| Acceptable: | 1.0% |
| Excellent: | 2.0% |
| Outstanding: | 3.0% |

4-8. Longevity Pay.

- 4-8. 1. In instances when an employee has reached the maximum step in the salary grade for his job classification:
- 4-8.1.1. The employee will remain eligible for any annual scale adjustment
- 4-8.1.2. The employee will remain eligible for annual merit pay; and
- 4-8.1.3. The employee may receive up to three (3) longevity-pay increases during his incumbency in the same position, in addition to the annual scale adjustment and/or merit pay for any given year, as follows:
- 4-8.1.3.1. A longevity-pay increase is a salary increase proportionately equal to the percentage difference between steps of the salary grade assigned to the employee's job classification.

- 4-8.1.3.2. An employee shall be eligible for a longevity-pay increase once every five (5) years, after reaching the maximum step in his salary grade, if the employee has received consecutive satisfactory ratings on each of his four (4) preceding annual performance reviews.
- 4-8.1.3.3. Longevity pay awarded to an employee shall be added to the employee's base salary.
- 4-8.1.4. An employee whose salary is above the maximum pay for his classification due to a prior position reclassification to a lower pay grade shall not be eligible for a longevity increase, until subsequent classification grade increases, or general cost-of-living increases, bring the employee's salary within the approved pay grade for the classification.

4-9. FLSA overtime pay and compensatory leave.

- 4-9.1. FLSA Status.
 - 4-9.1.1. Each employee shall be classified as "exempt" or "nonexempt" from the overtime pay requirements of the Fair Labor Standards Act ("FLSA") in accordance with applicable FLSA laws and regulations.
 - 4-9.1.2. The County will maintain records indicating positions determined to be exempt or nonexempt from FLSA overtime requirements.
 - 4-9.1.3. The records shall be maintained in the Department of Finance, and the status of individual positions shall be indicated within the approved job description for the position and in each employee's personnel file.
- 4-9.2. Nonexempt employees.
 - 4-9.2.1. Non-exempt law enforcement officers shall have an established work period of 28 days, and shall receive overtime compensation only when the number of hours worked exceeds 171 in the applicable work period. Employees holding these law enforcement positions shall receive compensation for all hours worked up to 171-leave time may not be substituted.
 - 4-9.2.2. All other non-exempt County employees shall receive overtime compensation only when the number of hours worked during the established 7-day work period exceeds 40 hours.
 - 4-9.2.3. The County may provide compensatory time ("comp time") off in lieu of monetary compensation for overtime work. Comp time received by an employee in lieu of cash shall be awarded at a rate of 1.5 hours of comp time for each hour of overtime work.

- 4-9.2.3.1. If the County elects to provide comp time for overtime work, the County and the employee must have an agreement or understanding on this arrangement prior to the performance of the work. The agreement need not be in writing, but a record of its existence must be kept; and
- 4-9.2.3.2. An employee may not be credited with comp-time for overtime work if the employee has an accumulated comp-time balance in excess of:
 - 4-9.2.3.2.1. For employees performing public safety activities, emergency response activities, and seasonal activities: 480 hours, and
 - 4-9.2.3.2.2. For all other employees: 240 hours.
 - 4-9.2.3.2.3. Once an employee has reached the above-referenced limits, he shall receive monetary compensation for any overtime work until his accumulated comp-time balance falls below the applicable limit.
- 4-9.2.4. Any employee who has accrued comp time shall be permitted to use the time within a reasonable period after making a request, if use of the comp time will not unduly disrupt the operations of the department in which he is employed.
- 4-9.2.4. Comp time shall be used within one year of its accrual, or an employee shall be paid for it. At no time shall any employee be allowed to accumulate comp time in excess of the limits specified in section 3-9.2.3.2, above.
 - 4-9.2.4.2. Employees who are engaged in "public safety," "emergency response," or "seasonal" activities shall not be required to use accumulated comp time within 1 year of accrual, but shall be allowed to utilize such time within a reasonable time after accrual, not to exceed 2 years. If such time has not been used within 2 years of accrual, the employee shall be paid for it.
- 4-9.2.5. Department heads and Constitutional Officers are responsible for scheduling compensatory leave time so that it will be used within the applicable 1-year or 2-year period, or assuring that adequate funds are available within their budgets for payment of the time at the end of the applicable period. Each year, as part of the submission of their budget requests, each department head shall report the balance of comp time, if any, for each of his employees along with the applicable accrual date(s).
- 4-9.3. Regular rate of pay. For purposes of the overtime pay requirements of the FLSA, an employee's "regular rate of pay" shall be calculated by the Finance Director.
- 4-9.4. Hours worked. Only hours actually worked by a nonexempt employee on the job during the workweek shall be counted as hours worked for

purposes of determining whether overtime pay is required. Paid or unpaid time off, during which an employee is absent from the service of the County (including, without limitation: sick, annual, compensatory, civil, personal and military leave, holidays, leaves of absence, lunch periods, inclement weather days, etc.) shall not be counted as "hours worked" for purposes of determining whether the maximum allowable number of hours has been exceeded in any work period.

4-9.5. Hours worked on holidays. Nonexempt employees who work on a holiday, if they do not receive another day off for the holiday, will receive full pay for the day or hours worked, but will not receive overtime pay unless hours actually worked in the applicable work period exceeds 40 (or, for law enforcement officers, unless the hours worked in the applicable 28-day work period exceed 171).

4-9.6. Charging leave accounts. When an employee is absent while on paid leave status, the hours of such leave shall always be charged first to any balance of accumulated comp time. Thereafter, leave time shall be charged to accumulated balances in the following order of priority:

4-9.6.1. Accrued holiday leave

4-9.6.2. Accrued annual leave

4-10. Exempt employees.

4-10.1. Generally, an exempt employee is one who has been hired to perform specific executive, administrative or professional duties, without regard to the number of hours required to complete those duties in a given workweek. Exempt employees shall not accrue compensatory time nor will they earn additional compensation for hours worked in excess of the regularly scheduled hours in a work week. This does not, however, preclude Department heads from using their discretion and allowing exempt employees some flexibility from their normal daily work schedule, in recognition of time worked beyond normal work schedules.

4-10.2. An exempt employee shall receive his regular pay for every work week in which any services have been performed.

4-11. FLSA-docking of pay and disciplinary suspensions.

4-11.1. Docking of pay-exempt employees. Under the FLSA employees who are exempt from overtime pay requirements may not be docked in pay for periods of absence from work of less than one full workweek, except:

4-11.1.1. When the dock occurs during the first or last week of employment;

- 4-11.1.2. When accrued sick or annual leave has been exhausted;
- 4-11.1.3. When the employee chooses to be docked rather than use leave;
- 4-11.1.4. Sick or annual leave has been requested but denied; or
- 4-11.1.5. When the dock constitutes a disciplinary suspension for an infraction of a safety rule of major significance.
- 4-11.2. Disciplinary suspensions--exempt employees. All disciplinary suspensions of exempt employees, except as provided in paragraph 3-10.1.1, above, must be for a full workweek.
- 4-11.3. Non-exempt employees. Non-exempt employees may be docked in pay for actual periods of absence from work or as a form of disciplinary action (in increments of at least one hour).

4-12. Rates of Pay for Temporary and Part-time Employees.

- 4-12.1. Hourly rate. Persons employed on a part-time or temporary basis, and persons employed for a specific period of time or for a specific task, will be paid at an hourly rate approved by the County Administrator.
- 4-12.2. Duration of Part -time Employment. Persons may be hired in an hourly status at 35 hours per week or less, for an extended period of time.

4-13. Pay for Serving in "Acting" Capacity.

- 4-13.1. Eligibility. Whenever an employee is required by his supervisor to work in the capacity of a higher-level position for a period of time exceeding one full pay period, that employee may be paid additionally for assuming those additional duties. The County Administrator must approve the assignment and the rate of pay in advance of the assumption of duties by the employee.
- 4-13.2. Commencement. Receipt of acting pay shall start at the beginning of the second full pay period following the assumption of duties.
- 4-13.3. Limited Period. Pay for serving in an acting capacity shall not continue for more than 6 pay periods.

4-14. "On Call" Pay.

- 4-14.1. "On Call" pay is compensation for those County employees who are regularly required to be available to handle urgent situations occurring outside of standard working hours. With the approval of the County

Administrator, on-call pay is available only to full-time salaried employees who are nonexempt from FLSA overtime requirements.

- 4-14.2. When working conditions warrant, specific individuals may be scheduled to be "on call". "On call" assignments should be scheduled on a rotation basis, normally consisting of 7 consecutive days per assignment. "On call" assignments will only be utilized for employees whose jobs do not ordinarily involve shift work, but whose job duties may require a response to after-hours emergencies. "On-call" status is not to be confused with "call-back" status-the latter simply being an occasion where an on-duty employee is asked to stay beyond his normal shift or an off-duty employee is called back to work.
- 4-14.3. "On call" will be considered to be a period of time when an employee is not required to remain at his work station and is free to engage in his own pursuits, subject only to the understanding that (i) he must leave word at his home or with his supervisor as to how he may be reached, and (ii) he must be capable of reporting to work promptly if needed, as outlined by his department head.
- 4-14.3.1. Employees shall be considered to be "on call" only when so designated in writing by his immediate supervisor, a copy of which shall be maintained in the employee's personnel file.
- 4-14.4. An "On Call" employee shall be compensated for 1 hour (at straight-time) of every 6 hours spent in "on-call" status, or pay for time actually called out, whichever is greater, for each 7-day "on call" assignment.
- 4-14.4.1. When an employee is called back to work after hours, credit will be received for the actual time worked, portal-to-portal, or 1 hour per call-out, whichever is greater.
- 4-14.4.2. An employee shall never be paid more for "on call" than actual time worked when called, unless the actual time is less than 1 hour per call-out or less than 9 hours per 7-day period.
- 4-14.4.3. Once an employee has been called back to work, any additional calls received before the employee returns home shall be treated as one call-out and the time spent on subsequent calls shall be added to the time spent on the original call.
- 4-14.5. Should any state or federal regulations differ from the foregoing policy, then the applicable state or federal regulations will govern the departments required to follow such policies.

4-15. Work and Pay Periods.

- 4-15.1. FLSA Work Periods.
 - 4-15.1.1. The standard work period for County employees is a seven-day period, beginning Monday and ending the following Sunday (a/k/a "workweek").
 - 4-15.1.2. The standard work period for Law enforcement officers shall be a period of 28 days, beginning January 1 each calendar year.
- 4-15.2. Pay periods.
 - 4-15.2.1. Each calendar month is considered one pay period ("pay period").
 - 4-15.2.2. Any change in an employee's pay or status shall be made effective at the beginning of a pay period. Except in extraordinary circumstances, newly hired employees shall be scheduled to commence performance of their duties on the 1st day of a pay period.
- 4-16. Payday.**
 - 4-16.1. Regular paydays are the 15th of the month and the last day of the month. If any regular payday shall fall on a Saturday, Sunday or holiday, the payday shall be adjusted to the last prior working day. Alternative paydays may be established by the Director of Finance.
 - 4-16.2. The Finance Director shall establish the date(s) on which time sheets must be submitted for payroll processing. Hours worked, but not recorded in time for payroll processing, may be recorded in the next pay period.
- 4-17. Personnel Transactions and Payroll Procedures.**
 - 4-17.1. Time Reporting.
 - 4-17.1.1. Each Department head is responsible for ensuring that accurate information is submitted for each employee through the time reporting process. All time reporting sheets must be signed by the Department head (or another authorized person) and the employee who is the subject of the time sheet.
 - 4-17.1.2. Errors and omissions of time worked, or leave used, may be corrected through time reporting for the next pay period.
 - 4-17.2. Data submission.
 - 4-17.2.1. Any information affecting an employee's pay or personal information must be submitted to the Director of Finance as soon as it is known. Such changes include performance evaluations, pay changes, tax status changes, address changes, name changes, etc.

- 4-17.3. Attendance Records.
 - 4-17.3.1. All Department heads shall keep documentation as to their employees' time, attendance and leave usage.
 - 4-17.3.2. Data submitted on an employee's time reporting sheet must agree with the documentation of time, attendance and leave usage maintained by the Department head.
- 4-17.4. Direct Deposit.
 - 4-17.4.1. Electronic direct deposit is mandatory, and a condition of employment, for all County salaried and wage employees.
 - 4-17.4.2. An employee may be exempted from direct-deposit participation only if he does not meet the requirements to obtain a bank or credit union account, or if his established financial institution does not accept direct-deposit transactions. In either situation, a statement to this effect from a financial institution must accompany the employee's request for an exemption.
 - 4-17.4.3. The County reserves the right to cancel a direct deposit in situations where an employee in leave without pay status for more than 5 days in a pay period.
 - 4-17.4.4. The Finance Director shall be responsible for administering the Direct Deposit program.
- 4-17.5. Payroll Deductions:
 - 4-17.5.1. The Director of Finance is authorized to make established deductions from an employee's gross pay:
 - 4-17.5.1.1. At any time, to cover federal and state income taxes, contributions for retirement systems, employee group hospitalization and surgical insurance premiums, and other items required by law. Other deductions may be made if authorized by these County personnel regulations or by a prior written agreement of an employee. No other deductions may be made except with the advance written approval of the County Administrator.
 - 4-17.5.1.2. Upon an employee's separation from employment, from the employee's final paycheck, deductions shall be made for any amount owed to the County in payment for unearned leave, group insurance, unreturned equipment, repayment of time borrowed from the Extended Leave Pool, or other established indebtedness to the County. No final paycheck shall

be issued to an employee until the extent of any indebtedness to the County has been determined.

- 4-17.6. Payment for certain leave on separation from employment.
- 4-17.6.1. Comp Time, accumulated--An employee who has accrued comp time shall, upon separation from employment, be paid for the unused comp time, at a rate not less than:
 - 4-17.6.1.1.1. The employee's average regular rate during the last 3 years of employment, or
 - 4-17.6.1.1.2. The final regular rate of the employee as of his last day of employment, whichever is greater.
- 4-17.6.2. Annual Leave, accumulated- an employee who has an accrued annual leave balance shall, upon separation from employment, be paid for the unused leave time, up to a maximum of 240 hours.¹³
- 4-17.6.3. Holiday Leave, accumulated-when an employee who is eligible to accumulate holiday leave time becomes separated from employment, the employee will be paid for all of that unused leave time.
- 4-17.6.4. Upon separation from employment, an employee shall be paid in one lump sum for the balance of unused comp-time, annual and holiday leave, unless the employee and the County agree otherwise in writing.

4-18. Employee Benefits.

- 4-18.1. The County offers a comprehensive benefits package to full-time employees in authorized positions. Generally hourly, temporary, seasonal, part-time and certain provisional employees are not eligible for benefits. Specific plan information is available through the Department of Finance.
- 4-18.1.1. Retirement.A defined benefit retirement program administered by the Virginia Retirement System is available to employees of Madison County.
- 4-18.1.2. Group Health Insurance. The County offers group health insurance coverage to all full-time County employees. The County has arranged with its health insurance carrier for the carrier to allow a retiree, under the age of 65, to continue to participate in the County's health insurance plan, at the retiree's expense, if the retiree has completed a minimum of 10 consecutive years of satisfactory service with Madison County.¹⁴

¹³ VA Code 15.2-1605

¹⁴ June 13, 2005 Board of Supervisors action

- 4-18.1.2.1. Each year, the Board of Supervisors, as part of its annual budget, will determine what, if any, portion of the group health insurance premium will be contributed by the County.
- 4-18.1.2.2. The Finance Director shall establish enrollment-periods, eligibility dates for individual employees, based on the currently-applicable insurance contract.
- 4-18.1.2.3. County employees and their eligible County employee spouses shall be permitted to combine the county provided health insurance benefits into one joint family plan. Additionally, this benefit is extended to eligible employees that have one spouse employed at the School Board and one at the County.

4-19. Workers' Compensation.

- 4-19.1. Covered employees. All County employees are covered under the provisions of the Virginia Workers' Compensation Act, for accidental injuries or occupational diseases that arise out of and in the course of County employment.
- 4-19.2. Administration.
 - 4-19.2.1. The Director of Finance shall coordinate the County's compliance with the requirements applicable to employers under the Commonwealth's Workers' Compensation program for the County.
 - 4-19.2.1.1. The Finance Director shall establish procedures for the reporting of injuries that occur in the workplace, and may prescribe forms for use by department heads and employees to report an accident or injury. It is the responsibility of each employee to report an accident or injury at the time of occurrence. Further, following the initial report of an accident or injury, it is the responsibility of each employee to ascertain and comply with applicable Workers' Compensation deadlines and procedures; to complete necessary forms and file them with the County's claims administrator or Workers Compensation Commission, as necessary; to pursue available appeals procedures; and to take all other steps necessary to perfect his or her claim. Information is available to employees (including helpful resources such as rules and regulations) on the website for the Virginia Workers Compensation Commission at <http://www.vwc.state.va.us/portal/vwc-web> site.
 - 4-19.2.2. The County's Workers' Compensation program is managed by Risk Management, a division of the Department of General Services of the Commonwealth of Virginia, which serves as a third-party claim administrator for the County. Following the initial reporting of injuries and referral of an accident or injury to Risk Management, it is the responsibility

of each employee/claimant to correspond, communicate and cooperate directly with Risk Management.

4-20. Leaves of Absence.

4-20.1. Use of leave time.

4-20.1.1. Leaves of absence shall not be granted until sufficient leave is earned. Leave to be subsequently earned may not be anticipated and used.

4-20.1.2. Charges for authorized absences of compensatory, holiday, and annual leave will be made on an actual usage basis and shall be charged on an hour-for- hour basis.

4-20.1.3. Requests for leave shall be made and must be approved at least 2 working days in advance by a department head; however, where the need for or date of an absence cannot be predicted and where conditions warrant, the requested leave may be treated by a department head as having been authorized in advance.

4-20.1.4. Leaves of absence may be granted by department heads, unless otherwise specified in this section. Leave shall be granted at the times requested by an employee, subject to the operational needs of his department. In a department where it is impractical to grant leave to multiple employees at the same time, the department head shall arrange leave schedules in such a manner that will ensure that each employee will be afforded the opportunity for leave in an equitable manner.

4-20.1.5. Retention of a position for an employee absent for extended periods of time is not assured, except under certain provisions of the Family and Medical Leave Act (FMLA), the Uniformed Services Employment and Reemployment Rights Act (USERRA) or other applicable federal or state law. Each case will be decided on its own merits according to the personnel needs of the County and the circumstances of the employee.

4-20.2. Kinds of leaves of absence:

- Annual leave
- Bereavement leave
- Civil leave
- Compensatory leave
- Holiday Leave
- Injury leave (Workers' Compensation)
- Leave without pay
- Military leave
- Extended leave pool
- Family and Medical Leave (FMLA)

- 4-20.3. Annual leave.
- 4-20.3.1. Full-time employees in authorized positions are eligible to accrue annual leave, at the following rates:
- 4-20.3.2. Annual leave earned through completion of 5 years of service shall be 12 hours per month
- 4-20.3.1.2. Annual leave earned during Year 6 through Year 15 of service shall be 16 hours per month
- 4-20.3.1.3. Annual leave earned for over 15 years of service shall be 20 hours per month
- 4-20.3.2. When the County is attempting to fill a position that is deemed critical to the County's mission and ongoing operations, and if finding that position difficult to fill, the County may provide up to 30 days (240 hours) of leave in addition to the normal accrual, or may advance up to 30 days (240) hours of leave to a new employee as an incentive to accept employment in that position.
- 4-20.3.3. In order to accumulate annual leave, an eligible employee must be in a paid status for at least 7/8 of their standard hours in a pay period. For example, an employee who has a standard work period of 40 hours per week (160 hours per month) must be in a paid status for 141 or more hours in a pay period.
- 4-20.3.4. No employee shall be credited with annual leave for any overtime hours or compensatory hours worked, or while on a dock or leave without pay status.
- 4-20.3.5. Annual leave may be used as vacation, as time needed to recover from illness or injury, or for any other personal reason(s), subject to approval in advance by a department head and subject also to the operational needs of the employee's department.
- 4-20.3.6. Annual leave accruals will be provided on a pay period basis.
- 4-20.3.7. Annual leave shall be subject to a maximum accrual of 640 hours. For annual leave, employees whose balances exceed the maximum leave accrual amount will have their balance reduced to the appropriate maximum at the end of June annually.
- 4-20.3.8. Upon separation from employment, an employee shall be entitled to payment for unused credited annual leave, up to a maximum of 240 hours.
- 4-20.4. Bereavement leave.
- 4-20.4.1. An employee may be granted up to 24 hours of bereavement leave for the death of an immediate family member.

- 4-20.4.2. Bereavement leave must be taken immediately prior to or immediately subsequent to the day of burial service (or equivalent) including the day of such service.
- 4-20.4.3. Bereavement leave may be supplemented with annual leave with the approval of an employee's supervisor.
- 4-20.5. Civil leave.
- 4-20.5.1. An employee shall be granted civil leave with full pay for any absence necessary for serving on a jury, for being summoned or subpoenaed to appear in any court of law or equity, or for taking required tests for fitness (including required physical exams, recruitment interviews, tests for County-required certifications, and tests associated with promotions, demotions or transfers within the County.
- 4-20.5.2. Any employee who is a member of the Madison County Rescue Squad or the Madison County Volunteer Fire Department shall be allowed civil leave with pay for any absence necessary for responding to a call during the employee's scheduled work hours. This leave shall not apply to employees within the County Sheriff's Office or in the County's E911 or EMS Departments.
- 4-20.5.3. An employee will be allowed civil leave with pay for an absence necessary to fulfill responsibilities to the Department of Homeland Security in connection with responding to a natural disaster or other emergency, consistent with the County's operational needs and with the requirements of federal law or regulations pertaining to such service.
- 4-20.5.4. An employee shall give reasonable notice to his supervisor of the date(s) and time(s) of civil leave needed.
- 4-20.6. Compensatory leave.
- 4-20.6.1. See section 4-9, above.
- 4-20.7. Holiday leave.
- 4-20.7.1. Most employees are granted leave with pay on specific days designated as holidays. The County shall follow the schedule of holidays established by the Commonwealth of Virginia, unless otherwise directed by vote of the Board of Supervisors.
- 4-20.7.2. The nature of the work performed by certain employees is such that those employees cannot all be granted leave on the designated holiday. Those employees may receive credit for time worked on the day of the designated holiday and may accumulate a balance of holiday leave during the course of a fiscal year (July 1 of each year through June 30 of the following year). Full-

time employees in public safety positions (law enforcement officers, animal control officers, emergency medical service personnel, and dispatchers) and other employees designated by a department head with the approval of the County Administrator will be eligible to receive straight-time credit for holiday time to be used on a subsequent date.

- 4-20.7.3. Any accumulated holiday leave balances must be used on or before June 30 each year or it shall be lost. On July 1 of each year, every employee's holiday leave balance will be reset to "0".
- 4-20.8. Injury Leave (Workers' Compensation).
 - 4-20.8.1. Workers' compensation leave is leave occasioned by an on-the-job injury or occupational disease that arises out of and in the course of employment. All such leave must be coordinated with the requirements of FMLA.
 - 4-20.8.2. First 7 Days of Absence. In accordance with Section 65.2-509 of the Virginia Workers' Compensation Act, no wage compensation/benefits shall be allowed for the first seven (7) calendar days (including Saturday, Sundays and holidays) of incapacity resulting from a job-related injury or illness. During this 7-day period the employee may use accrued FLSA compensatory leave, and holiday and annual leave. If the employee has no available leave balances, the employee will be placed in a leave without pay status for the 7-day period.
 - 4-20.8.3. Absence After 7 Days. Starting the eighth (8th) day of incapacity due to a compensable work-related injury or illness Worker's Compensation will provide compensation in the amount of 66-2/3% of the employee's average weekly wages (see Va. Code 65.2-509). On and after the eighth day of absence due to incapacity, the employee may use accrued FLSA compensatory leave, and holiday and annual leave to supplement absences approved as eligible for Workers' Compensation wage benefits, as follows:
 - 4-20.8.3.1. The leave used shall not exceed 1/3 of the employee's normally scheduled, non-overtime work hours in any workweek (in other words, the employee may use County leave balances in order to obtain pay for not more than 40 hours in any work week.
 - 4-20.8.3.3. All leave must be accrued by the time of usage. Employees may not borrow against future leave accrual.
 - 4-20.8.3.4. The County's Sick Leave Bank may not be utilized during this period. If the employee has no leave balance, the employee will be placed in a leave without pay status.
 - 4-20.8.4. Benefits After Three Weeks of Absence due to Incapacity. In the event that an employee's absence due to incapacity from a work-related injury or illness extends longer than three weeks, the employee will also be reimbursed by

Worker's Compensation for the first 7 days of incapacity at the calculated wage rate.

- 4-20.8.5. Options. In every case where an employee is determined eligible for Workers' Compensation wage benefits, the employee will have the choice to (i) by written agreement, assign wage payments to the County; or (ii) to keep the wage benefits, which will then be paid directly to the employee. If the employee assigns Workers' Compensation wage benefit payments to the County, then the employee's annual leave balance will be credited with a number of hours equivalent to the Workers Compensation wage payments received by the County.
- 4-20.8.6. Leave for Non-compensable Wages. In the event that any employee 's absence from work is not approved for wage reimbursement under Workers' Compensation, then during any period of absence related to the injury, whether due to incapacity or otherwise, the employee may use all applicable leave balances for which he is eligible.
- 4-20.8.7. Continuation of Benefit Eligibility. The County shall continue all applicable contributions toward retirement, life insurance, health insurance, etc. during the period of time an employee is absent for a compensable injury/illness. It will be the employee's responsibility to make payment arrangements directly with the Payroll Division for the employee's contribution toward these benefits, as well as any other optional programs to which the employee may be contributing.
- 4-20.8.8. Return to Work. Once the employee is released by his treating physician to return to work in any capacity, he is expected to return to work. Depending on the nature of any medical restrictions, and the staffing needs of the employee's department, this return may not necessarily be to the same position or duties worked by the employee at the time of the injury/illness. Should the employee turn down or fail to perform offered work that he is capable of doing, the County may take all actions permitted under Jaw, including but not limited to contesting the employee's entitlement to further Workers' Compensation benefits before the Virginia Workers' Compensation Commission.
- 4-20.9. Leave Without Pay.
- 4-20.9.1. An employee shall be in leave-without-pay status during hours in which the employee does not work and is in a non-paid status. Any such leave must be used in connection with the docking of pay through time reporting. The Finance Department shall be notified by a department head of all occasions an employee is in a non-paid status in excess of 5 workdays.
- 4-20.9.1.1. For absences from duty, department heads may authorize leave without pay. Such leave is not guaranteed.

- 4-20.9.1.2. The maximum duration of a period of leave without pay shall be determined by a department head, up to a period of 30 days. The County Administrator must concur with any grant of leave without pay in excess of 30 days.
- 4-20.9.2. The leave accrual date of any employee returning from leave without pay status shall be adjusted based on the number of days absent.
- 4-20.9.3. No annual or holiday leave shall be accrued by an employee who is in a leave-without-pay status. Health care and other benefits may be continued during a period of leave without pay, if the employee pays the applicable premiums. (When the employee is on approved FMLA leave without pay, the employee is only responsible for the employee's share of the health insurance). No other benefits shall accrue during a period of leave without pay.
- 4-20.9.4. An employee who has been placed on leave without pay based on a criminal investigation will have annual and holiday leave balances restored in full if the employee is subsequently reinstated.
- 4-20.9.5. Employees on leave without pay will retain their original evaluation date. Upon return to employment, they will reenter the position in the same pay grade and step as when they were placed on leave without pay.
- 4-20.9.6. Except under certain provisions of FMLA or USERRA, when an employee is on approved leave without pay status, retention of a position for the employee cannot be guaranteed. If the employee desires to return, the County will attempt to locate a comparable position to that held by the employee as of the date of leave approval (and for which the employee meets all qualifications). Return to County employment following a leave of absence without pay shall be treated as a reinstatement.
- 4-20.9.7. All disciplinary suspensions are instances of leave without pay, and are subject to the rules and requirements of this section.
- 4-20.10. Military leave.
- 4-20.10.1. Members of the organized reserve forces of any of the Armed Services of the United States, National Guard, or Naval Militia shall be provided a leave of absence with pay for federally funded military duty, to include training duty, not to exceed 15 workdays (120 hours) per federal fiscal year, without loss of seniority, accrued leave or efficiency rating.¹⁵ An employee must be in a paid status to be eligible for paid military leave.
- 4-20.10.2. An employee who receives orders to report for active duty in any of the Armed Forces of the United States shall be placed on military leave without

¹⁵ VA Code 44-93

pay after the 15-day period referenced above. The employee shall make a written request for a military leave of absence without pay and shall submit to his department head copies of his orders, once they are available, indicating his active duty status. The department head shall forward the employee's request and orders to the Director of Finance.

4-20.10.2.1. Once a period of military leave without pay is commenced, upon conclusion of an employee's period of military service the employee's right to reemployment shall be governed by the provisions of the Uniformed Services employment and Reemployment Rights Act (USERRA).

4-20.10.2.1.1. Employees on unpaid military leave, prior to reinstatement, will be required to submit a request for reemployment.

4-20. 10.2.1.2. The time limits for requesting reemployment differ, depending on the length of military service. At the time he is placed on military leave without pay, an employee shall be provided information regarding the procedure for exercising his reemployment rights.

4-20.10.2.1.3. During military leave without pay status, the employee may elect to continue his existing employer-based health plan coverage for himself and his dependents, for up to 24 months, at his expense. If an employee chooses not to continue coverage during military service, he has the right to be reinstated in the health plan upon reemployment, generally without any waiting periods or exclusions (except for service-connected illnesses or injuries).

4-20.11. Family and Medical Leave (FMLA).

4-20.11.1. Under the federal Family and Medical Leave Act of 1993 (FLMA ") eligible employees are entitled to a total of up to 12 workweeks of unpaid, job-protected leave during any 12-month period, for the following purposes:

4-20.11.1.1. The birth of a child of the employee, and the care of such child, or the placement of a child with an employee for adoption or foster care. In either situation, FMLA leave must be taken within 12 months of the placement.

4-20.11. Group health plan benefits will be maintained for an employee during a period of FMLA leave, on the same basis as coverage would have been provided continuously employed during the FMLA leave period. In the event that some or all of the 12-week FMLA period is taken as unpaid leave, then the employee shall be responsible for payment of the premium the same as any other employee on unpaid leave status.

4-20.11.8. An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the County for payment of group health benefits when simultaneously taking unpaid FMLA leave.

- 4-20. 11. 2. Extended leave pool.
- 4-20.12.1. The County will maintain an Extended Leave Pool. An employee may request to borrow paid leave against the County's Extended Leave Pool if all applicable leave has been exhausted.
- 4-20.12.2. Eligible employees may take a maximum of 45 working days from the Bank in any rolling year (i.e., a 365-day period beginning with the first day of Leave Pool usage). An employee may request to borrow leave from the Pool if at least one of the following circumstances applies:
 - 4-20.12.2.1. An employee incurs a non-service connected injury or illness that meets the FMLA definition of a serious health condition,
 - 4-20.12.2.2. An employee incurs a service-related injury or illness which has been determined not to be compensable under the Workers' Compensation Act, and such injury or illness meets the FMLA definition of a serious health condition, or
 - 4-20.12.2.3. The employee or an immediate family member is faced with a severe or catastrophic personal or medical situation, whether or not such situation would meet the FMLA definition of a serious health condition.
- 4 20.12.3. Leave may be granted from the Pool, if the following criteria are met:
 - 4-20.1 2.3.1. The employee must have been away from the job due to eligible circumstances for at least 15 consecutive work days, and all of the employee's accumulated leave balances must have been exhausted.
 - 4-20.12.3.2. A written request to borrow leave from the Pool must be submitted by an employee or his representative to his department head.
 - 4-20.12.3.2.1. A health care provider's certificate must be presented to the employee's Department head, stating the earliest approximate date of the employee's ability return to work and resume performance of his regular duties.
 - 4-20.12.3.2.2. If the leave requested is due to a severe or catastrophic medical situation that is not the employee's illness, the employee's request must be accompanied by a statement of the circumstances that form the basis of the request.
 - 4-20.12.3.2.3. Requests cannot be made retroactively, except in the case of absences that were assumed to be covered by Workers' Compensation but were subsequently denied.
 - 4-20.12.3.3. The employee's department head must provide a written recommendation in favor of the request and its impact on departmental operations, and the request must be approved by the County Administrator.

- 4-20.12.4. The Extended Leave Pool will be set up effective July 1, 2009 with annual and holiday leave time that has been accrued by employees but which cannot be used, either because (i) an employee did not request or was not granted approval to use such leave within a required time period, or (ii) the employee has a balance of leave that exceeds the maximum accrual limit allowed by these personnel regulations. Thereafter, the Pool may be replenished as follows:
- 4-20.12.4.1. Through "repayments" made by employees who have borrowed from the pool, and
- 4-20.12.4.2. Through requests issued by the County Administrator for donations of leave time, in circumstances where a request has been made by an employee for time in excess of the balance of hours within the Pool.
- 4-20.12.5. Any leave granted to and used by an employee from the Extended Leave Pool shall be repaid in one of the following ways:
- 4-20.12.5.1. From the employee's earned annual and holiday leave accounts, at the following rates (based on years of service) until repaid in full:
- 0-5 years of service: 6 hours per pay period.
6-15 years of service: 12 hours per pay period
Over 15 years of service: 15 hours per pay period
- 4-20.12.5.2. If the employee separates from County employment prior to full restitution of borrowed leave used, any accumulated annual or holiday leave balances will be charged, and if that does not fully reimburse the Leave Pool, then a cash payment equal to the balance remaining for repayment times the employee's current rate of pay will be deducted from the employee's final paycheck. The terms and conditions of repayment under this section shall be determined and communicated to the employee by the Director of Finance. In cases of extraordinary hardship demonstrated by an employee, the County Administrator may wave all or a part of the repayment.
- 4-20.12.6. Upon separation from employment, an employee may not withdraw any days he has contributed to the Pool.
- 4-20.12.7. Days drawn from the Pool for any one period of eligibility must be consecutive, except additional periods of disability resulting from recurrence or relapse of the original illness which will be covered fully on a continuing basis up to the annual maximum of 45 days. Once a member has used all 45 days of Extended Leave Pool time, he must return to work and meet the requirements of section 3-20.8.3.1, above, before becoming re-eligible to utilize the Pool..

- 4-20.12.8. No employee will be able to use leave from the Pool until the employee's comp time, holiday and annual leave balances have been depleted. Use of such leave by an employee will run concurrently with FMLA, where FMLA is applicable.
- 4-20.12.9. Use of leave from the Extended Leave Pool is granted at the discretion of an employee's department head and the County Administrator. Requests for use of such leave may be refused.

SECTION 5: HOURS OF WORK

5-1. Purpose.

- 5-1.1. It is the County's objective to promote the well-being of its employees in the workplace and to maintain high standards of professional conduct, work performance and service to the public. This policy sets forth uniform working conditions and standards for employee conduct.

5-2. Applicability.

- 5-2.1. This policy applies to County employees who are, directly or indirectly, subject to the management and direction of the County Administrator. Employees who serve under the direction and control of a Constitutional Officer are subject to the separate policies established by those officers, except as otherwise agreed in writing between the County and a Constitutional Officer.

5-3. Hours of Work, Generally.

- 5-3-1. Standard work week. The standard work week for employees is 40 hours, but the actual duty schedules for particular employees may vary. Hours of work, schedules and duty assignments of short duration may be altered with the authorization of the department head or his designee.
- 5-3.1.1. Law enforcement officers shall work shifts and hours designated by the Sheriff; however, for purposes of compliance with the overtime pay requirements of the FLSA, law enforcement officers will have a designated work period of 28 days (see Section 4, Compensation & Leave).
- 5-3.1.2. Flexible work scheduling may be considered on a temporary or occasional basis for an employee, in the discretion of a department head, so long as the standard hours in a workweek are not altered and so long as such arrangement will not unreasonably disrupt the operations of the department. Some examples include:
- 5-3.1.2.1. Allowing an employee to arrive earlier in the morning and leave earlier in the afternoon;
- 5-3.1.2.2. Allowing an employee to arrive later in the morning and leave later in the afternoon;
- 5-3.1.2.3. Allowing an employee to work four 10-hour days;
- 5-3.1.2.4. Allowing an employee to work four 9-hour days and one 4-hour day;
- 5-3.1.2.5. Allowing an employee to add time to a meal break and arrive earlier/leave later in the day.

- 5-3.1.2.6. Other temporary or occasional flexible work schedules may include some combination of altered work start and stop times, to allow employees to have medical appointments or take care of personal business during work hours without being charged leave.
- 5-3.1.2.7. If flexible work scheduling or compressed workweeks are instituted on an ongoing basis, the department head must obtain the approval of the County Administrator.
- 5-3-2. Standard office hours. County administrative offices shall be open to the public from 8:30 a.m.to 4:30 p.m., Monday through Friday.
- 5-3-3. Breaks. Employees are allowed up to two 15-minute rest breaks per day, which are normally included within the total required hours of work. These breaks may be used in conjunction with a 30-minute meal break, so long as the sum does not exceed 60 minutes per work day.
- 5-3-4. Employee notifications of unscheduled leave. If an employee is unable to report for work, or expects to be late, the employee must contact his supervisor as soon as possible but no later than the beginning of his or her scheduled shift, giving the reason for his absence or tardiness. Paid leave may or may not be approved. If an employee has difficulty reaching his supervisor, he should leave a message reporting his absence or tardiness, but continue to attempt to contact his supervisor -responsibility to notify a supervisor about an absence or tardiness always rests with the employee.

5-4. Inclement Weather Schedules.

- 5-4-1. Liberal leave. Inclement weather causes difficulty for an employee getting to or from work, and County offices are not closed by the County Administrator, a liberal leave policy will be in effect for non-essential employees. "Liberal leave" permits non-essential employees to use annual leave or compensatory leave (if available) to cover their absence should they not report to work, not report to work on time, or leave work early. Such absences, as is the case for all absences, require the approval of the employee's supervisor. Essential employees are expected to report for duty during inclement weather, regardless of the County Administrator's decision to close County offices.
- 5-4-2. Office closings. If the County Administrator closes County offices due to inclement weather, non-essential employees schedule to work will be treated as having worked a full, regular 8-hour workday, regardless of hours actually worked or not worked. Essential employees will be required to work whether or not County offices are closed, and will not be eligible for overtime pay or compensatory leave earnings due to County offices being closed. For any employees on scheduled leave, the day of closing will be treated as a normal workday and appropriate leave will be charged.

5-5. Holiday Schedules.

- 5-5-1. All full-time salaried employees are entitled to a certain number of holidays per year. See section "Holiday Leave" in Chapter 4 of the County's Personnel Regulations.
- 5-5-2. Essential services shall be maintained on County holidays by necessary forces as determined by each department head.
- 5-5-3. In order to be eligible for pay for any paid holiday, an employee must be in a paid status for all of the last regular working day preceding the holiday.
- 5-5-4. Whenever a holiday falls on a regularly scheduled workday for a shift worker, that employee shall be paid (straight-time) for the holiday or given another day in place of the holiday.
- 5-5-5. Whenever a holiday falls on a scheduled off-duty day for a shift worker, another day shall be given to the employee.
- 5-5-6. Relation to FLSA overtime pay policies (see Section 3 of these Personnel Regulations). Holiday leave is not considered as hours worked for purposes of calculating overtime.

SECTION 6: EMPLOYEE RELATIONS

6-1. Purpose.

- 6-1.1. It is the County's objective to promote the well-being of its employees in the workplace and to maintain high standards of professional conduct, work performance and service to the public.

6-2. Applicability.

- 6-2.1. This policy applies to County employees who are, directly or indirectly, subject to the management and direction of the County Administrator. Employees who serve under the direction and control of a Constitutional Officer are subject to the separate policies established by those officers. Constitutional Officers are separately responsible for compliance with state laws referenced in this policy.

6-3. Employee Conflicts of Interests.

- 6-3.1. State and Local Conflicts of Interests Act. Virginia's Conflicts of Interests Act, located within Chapter 31 of Title 2.2 of the Code of Virginia, as amended, Section 2.2-3100 et seq., defines and prohibits inappropriate conflicts of interests. All county officers and employees should read and familiarize themselves with the provisions of this Act. Questions concerning the interpretation or application of specific provisions of the Act should be directed to the Office of the Commonwealth's Attorney or to the County Attorney. In general, the following conduct is prohibited, and no officer or employee of the County government shall:
 - 6-3.1.1. Solicit or accept money, or any other thing of value, in return for services performed within the scope of his official duties;
 - 6-3.1.2. Offer or accept money, or any other thing of value, in return for obtaining employment for any person, or the appointment or promotion of any person within the County government;
 - 6-3.1.3. Offer or accept money, or any other thing of value, in return for the use of his public position to obtain a contract for any person or business with the County government;
 - 6-3.1.4. Use for his own economic benefit or that of another party, any confidential information (i.e., information that is not available to the public) that he has acquired by reason of his public position.

- 6-3.1.5. Accept any business or professional opportunity when he knows that there is a reasonable likelihood that the opportunity is being offered in order to influence him in the performance of his official duties.
- 6-3.1.6. Accept compensation for any appearance, speech, or article in which the officer or employee provides expertise or opinions related to the performance of his official duties;
- 6-3.1.7. Accept a gift from a person who has interests that may be substantially affected by the performance of the officer's or employer's official duties-under circumstances where the timing and nature of the gift would cause a reasonable person to question the officer's or employee's impartiality in the matter affecting the donor;
- 6-3.1.8. Accept gifts from sources on a basis so frequent as to raise an appearance of the use of his public office for private gain.
- 6-3.1.9. For purposes of the Conflicts of Interests Act, the term "gift" includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value in excess of fifty dollars (\$50.00). It also includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" shall not include any offer of a ticket or other admission or pass unless the ticket, admission, or pass is actually used.
- 6-3.2. Ethics in Public Contracting. The Virginia Public Procurement Act contains provisions that supplement the requirements of the Conflicts of Interests Act, see Virginia Code Section 2.2-4367 et seq. In general:
 - 6-3.2.1. No public employee having official responsibility for a particular procurement transaction may participate in that transaction on behalf of the County, when:¹⁶
 - 6-3.2.1.1. The employee is also employed by a bidder, offeror or contractor involved in the procurement transaction;
 - 6-3.2.1.2. The employee, the employee's partner, or any member of the employee's immediate family holds a position with a bidder, offeror or contractor, or is employed in a capacity that involves substantial participation in the procurement transaction;
 - 6-3.2.1.3. The employee, the employee 's partner, or any member of the employee's immediate family has a financial interest in the outcome of the procurement transaction; or

¹⁶ VA Code 2.2-4369

- 6-3.2.1.4. The employee, the employee's partner, or any member of the employee's immediate family is negotiating, or has an arrangement concerning prospective employment with a bidder, offeror or contractor.
- 6-3.3. No County employee having any responsibility for procurement transactions may accept employment with any bidder, offeror or contractor with whom he dealt in an official capacity, for a period of one (1) year from the date of separation of employment from the County, unless he provides written notification to the County Administrator prior to commencement of such employment.¹⁷
- 6-3.4. No County employee having official responsibility for a procurement transaction shall solicit, demand, accept or agree to accept from any bidder, offeror, contractor or subcontractor any payment, loan, subscription, advance, deposit of money, services, or any other thing of more than nominal value (present or promised) unless consideration of substantially equal or greater value is exchanged.¹⁸
- 6-3.5. No person who, for compensation, prepares an invitation to bid or request for proposal for or on behalf of the County may (i) submit a bid or proposal for that procurement or any portion thereof or (ii) disclose to any bidder or offeror information concerning the procurement that is not available to the public. However, the Board of Supervisors may permit such person to submit a bid or proposal for that procurement or any portion thereof if the Board determines that the exclusion of the person would limit the number of potential qualified bidders or offerors in a manner contrary to the best interests of the public body.¹⁹
- 6-4. Use of County Computers and Other County Information Systems.**
- 6-4.1. "Information systems" defined : The County's information systems consist of, but are not necessarily limited to, all County-owned or leased computer equipment, telephones, printers, copiers, cell/mobile phones, pagers, personal digital assistants, network devices, software, storage media, data, peripherals and accessories, etc., as well as electronic media and services that the county provides, such as e-mail, voice mail, the Internet, an Intranet, electronic files, downloads, uploads, and wireless access devices.
- 6-4.2. The purpose of this policy is to protect the county from inappropriate use of its Information Systems, and from virus attacks, compromises of security, and legal and related issues.

¹⁷ VA Code 2.2-4370

¹⁸ VA Code 2.2-4371

¹⁹ VA Code 2.2-4373

- 6-4.3. Access to County Information Systems is restricted to appropriate individuals as authorized by the County "users". Users shall follow general password creation and maintenance protocol, keeping passwords private, protected and maintained at all times. Electronic communications should be carried out with the same level of care, professional judgment and discretion as paper communications.
- 6-4.4. Installation or use of non-County hardware, such as personal computers, personal laptops, flash drives, wireless access points, etc. on the County network is prohibited.
- 6-4.5. County Information Systems shall not be used by users to access, create, transmit, print, download or upload material (including images or text) that is considered abusive, fraudulent, defamatory, obscene, indecent, or sexually oriented, or which may be construed as harassing, threatening, or discriminatory based on race, color, religion, sex, national origin, age or disability.
- 6-4.6. Users shall not assume that any electronic communications are private. The County reserves the right to monitor electronic communications in furtherance of the purposes of this policy. Monitoring, auditing and inspection by the County of any and all information systems may occur at any time, without notice, and without the user's permission, in order to ensure compliance with this and other County policies and guidelines. Users shall have no expectation of privacy when using County information systems. Electronic records are considered public records and may be subject to disclosure under the Freedom of Information Act.
- 6-4.7. Use of the County's Information Systems is a privilege made available to users to assist in the performance of their County duties or County business. Limited, occasional use for personal, non-business purposes may be acceptable, provided that it does not adversely affect the performance of the user's County duties and does not negatively impact the information Systems' resources, integrity or ability to appropriately conduct county business, and provided further that such use does not violate this policy, any other County rule, regulation or policy, or any federal, state or local law. However,
- 6-4.7.1. Unless necessary for conducting county business, users shall not access private, non-County e-mail accounts from County owned or leased equipment within the County's internal network.
- 6-4.7.2. Users should not access streaming services unless access to this content is in the interest of County business (including, but not limited to: viewing video clips, movie trailers, listening to web-based music, playing games, etc. from the internet).

- 6-4.8. Compliance with and enforcement of this policy is the responsibility of each department head. Violations of this policy or violations of related federal or state laws shall be reported immediately to department heads and to the County Administrator. Any employee found to have violated this policy or related policies may be subject to disciplinary action up to and including termination of employment. Violations of applicable federal or state laws may be considered a law enforcement matter subject to prosecution.

6-5. Privacy of Information.

- 6-5.1. The General Assembly has found that²⁰:
- 6-5.1.1. An individual's privacy is directly affected by the extensive collection, maintenance, use and dissemination of personal information;
- 6-5.1.2. The increasing use of computers and sophisticated information technology has greatly magnified the harm that can occur from these practices;
- 6-5.1.3. An individual's opportunities to secure employment, insurance, credit, and his right to due process, and other legal protections, are endangered by the misuse of certain of these personal information systems.
- 6-5.2. To the extent allowed by the Virginia Freedom of Information Act, protection of the confidentiality of personal information of employees and members of the public is a requirement of every County official and employee. Each person who handles forms, reports and/or written or electronic information must treat such information as confidential.
- 6-5.2.1. Virginia Code Section 2.2-3801 defines "personal information" as any information that describes, locates or indexes anything about an individual; however, the definition specifically excludes (i) routine information maintained for the purpose of internal office administration, the use of which could not adversely affect the individual, and (ii) real estate assessment information.
- 6-5.3. Adequate measures should be taken to prevent others from gaining access to personal information, including, without limitation: locking computer screens, locking data in drawers, cabinets or offices; not removing data from the workplace; not saving data to flash drives, discs or computer hard drives; and shredding or other secure destruction of old data.
- 6-5.4. Intentional misuse of data for purposes other than those for which it was collected is prohibited, and shall be grounds for discipline of an employee, up to and including termination of employment.

²⁰ VA Code 2.2-3800 et seq.

- 6-5.5. In the performance of their job duties, County officials and employees shall conduct their record-keeping activities in accordance with the following principles:
- 6-5.5.1. There shall be no personal information system whose existence is secret.
 - 6-5.5.2. Personal information shall not be collected unless the need for it has been clearly established in advance.
 - 6-5.5.3. Personal information collected shall be appropriate and relevant to the purpose for which it has been collected.
 - 6-5.5.4. Personal information shall not be obtained by fraudulent or unfair means.
 - 6-5.5.5. Personal information shall not be used unless it is accurate and current.
 - 6-5.5.6. Any individual shall be afforded the opportunity to learn the purpose for which information has been recorded and particulars about its use and dissemination.
- 6-5.6. Upon request, any individual shall be allowed to correct or amend, as appropriate and as may be allowed by law, any inaccurate, obsolete or irrelevant personal information about himself. The employee should submit his or her rebuttal in writing for inclusion within his personnel record. No purging, deletion or destruction of records shall be done, except with the approval of the Director of Finance and in accordance with applicable retention schedules of the Library of Virginia.
- 6-5.7. All requests for verification of employment will be handled centrally by the Finance Department. Neither the Finance Department nor any department head or supervisor shall release any employment or personal information (other than verification of employment, and dates of service) except in accordance with a specific written authorization signed by the employee who is the subject of the request. A standard authorization form shall be obtained from the Department of Finance.

6-6. Personnel records.

- 6-6.1. The County's official central personnel records for all County employees are maintained in the Finance Department. It is the intention of the county to safeguard each employee's personal information, to the fullest extent allowed under the Virginia Freedom of Information Act.
- 6-6.2. Any employee shall have the right to review his or her own personnel record during normal working hours, by contacting the Finance Department and scheduling an appointment

- 6-6.3. It is the responsibility of each employee to see that the Finance Department is notified of any changes in his personal information. Personal information (e.g., name, mailing address, telephone number, marital status, disability status, residency, name of emergency contact, etc.) shall be kept up-to-date at all times by each employee. If the employee fails to keep the personal information on file within the Finance Department up-to-date, any problems resulting from the County's use of outdated information are the responsibility of the employee.

6-7. Job practices.

- 6-7.1. Secondary employment.

- 6-7.1.1. Without prior written approval, no full-time employee shall engage in any other employment or work that affects, or that is likely to affect, the performance of his duties for the County.

- 6-7.1.1.1. The maximum number of hours allowed for any secondary employment is 30 hours per week for full- time employees.

- 6-7.1.1.2. When an employee is unable to perform fully his County job duties due to illness or injury, approval of any secondary employment is automatically rescinded until the employee is able to return to the full performance of his County duties.

- 6-7.2. Political activity.

- 6-7.2.1. Under the Hatch Political Activity Act, 5 U.S.C. Sections 1501 through 1508, officers and employees of a local government whose principal employment is in connection with an activity funded in whole or in part by Joans or grants made by the United States or a federal agency are prohibited from using their influence to affect the result of an election, attempting to coerce or advise another local government employee to make a political contribution, or being a candidate for public office in a partisan election.

- 6-7.2.2. The County does not prohibit any individual within its employment from participating in political activities while those employees are off duty, out of uniform and outside their workplace.

- 6-7.2.2.1. For purposes of this section, the term "political activities" includes, but is not limited to: voting; registering to vote; soliciting votes or endorsements on behalf of a political candidate or political campaign; expressing opinions, privately or publicly, on political subjects and candidates; displaying a political picture, sign, sticker, badge or button; participating in the activities of, or contributing financially to, a political party, candidate or campaign or an organization that supports a political candidate or campaign; attending or participating in a political convention, caucus, rally, or other political

gathering; initiating, circulating or signing a political petition; engaging in fund-raising activities for any political party, candidate or campaign; acting as a recorder, watcher, challenger or similar officer at the polls on behalf of a political party, candidate or campaign; or becoming a political candidate.

- 6-7.2.3. County officials and employees are prohibited from using their official authority to coerce or attempt to coerce a subordinate employee to pay, lend or contribute anything of value to a political party, candidate or campaign, or to discriminate against any employee or applicant for employment because of that person's political affiliations or political activities, except as such affiliation or activity may be established by law disqualification for employment.
- 6-7.2.4. County officials and employees are prohibited are prohibited from discriminating in the provision of public services, or responding to requests for such services, on the basis of the political affiliations or political activities of the person or organization for which such services are provided or requested.
- 6-7.2.5. County officials and employees are prohibited from suggesting or implying that the County government or administration has officially endorsed a political party, candidate or campaign.
- 6-7.3. Use of property and equipment.
 - 6-7.3.1. County property and equipment. County vehicles, machinery, uniforms, badges, equipment, materials, supplies and other items used by or assigned to a County employee in connection with the performance of his job duties are for official county business only. Any unauthorized or inappropriate usage is prohibited.
 - 6-7.3.1.1. All such items are the sole property of the County of Madison and must be returned to the employee's immediate supervisor upon separation from employment or movement into another position.
 - 6-7.3.2. Employees' property and equipment. Employees shall perform their job duties utilizing equipment and materials provided by the County except for de minimis, incidental use approved by employee's supervisor. No employee shall utilize his own equipment, materials or supplies in the performance of County duties in excess of de minimis, incidental use, without advance written approval of his supervisor. At the time of such approval, agreement must be reached as to the terms and conditions upon which such privately-owned equipment will be utilized in performance of County functions, including compensation, liability, maintenance, wear and tear, etc.
 - 6-7.3.3. Employee's authorized to take home County owned vehicles. The following County employees are essential to public safety and subject to being called in

or mobilization at any time and they are, therefore, authorized to take their assigned County vehicle home during off-work or non-scheduled hours:

1. Employees under the supervision of the Madison County Sheriff; as directed and authorized by the Sheriff and as vehicles are made available to the Sheriff's office;
2. Animal Control Officers employed by the County, as vehicles are available,
3. The Emergency Services Coordinator, as vehicles are available,
4. The Director of Emergency Communications, as vehicles are available, and
5. On an event-by-event basis, employees designated by the County Administrator that would respond to an impending emergency event or be involved in the initial post-event mitigation.
6. County Administration as agreed to and as included in any employment contract entered into by the Board of Supervisors and such management staff.
7. Facilities and Maintenance Department staff when associated with pending or called for adverse weather conditions (snow, ice storms), so that such staff will be better able to reach county facilities with proper and necessary snow plowing and spreader equipment.

Amended August 28, 2018

6-7.4. Payroll deductions.

6-7.4.1. All payroll deductions must be approved by the County Administrator, and must meet one or more of the following requirements:

6-7.4.1.1. The deduction is mandatory under either state or federal law;

6-7.4.1.2. The deduction is for a county-sponsored benefits plan

6-7.4.1.3. The deduction is to encourage employees to save funds or to assist employees in obtaining loans with a financial organization owned by, participated in by, and available to all County employees; or is to purchase U.S. Government Savings Bonds;

6-7.4.1.4. The deduction is to enable an employee to reimburse the county for expenses temporarily incurred by the County to the benefit of that employee, or due to overpayments of salaries, expenses, travel funds, etc.

6-7.4.1.5. The deduction is for the purpose of enabling an employee to defer or shelter income for taxation advantages through an approved County program;

6-7.4.1.6. The deduction is for the payment of delinquent Madison County taxes.

6-7.4. 1.7. The deduction is to enable the County to recover the specific cost of vehicles, equipment, materials or supplies which have not been returned by an employee upon his separation from employment.

6-7.5. Driving and vehicle policy.

6-7.5.1. Purpose: The purpose of this policy is to provide operational guidelines and procedures to the operations of motor vehicles owned by Madison County for the protection and safety of human life and providing for the protection of private and County property and equipment.

Scope: This policy applies to County employees, volunteers, and agents who drive on County business. Supervisors of employees, volunteers and agents are responsible for enforcing this policy and shall ensure all persons who drive are notified of these policies, and the potential consequences of violating them.

6-7.5.2. Supervisors of employees, volunteers and agents shall allow only those drivers who meet the following eligibility criteria to drive on County business. The supervisor is responsible to see these criteria are met before authorization to drive is granted to an individual:

1. Be at least 18 years old.
2. Possesses a valid Virginia driver's license.
3. The license must have the proper classification based upon the type of vehicle the employee is driving and the state requirements (cars, trucks, and other equipment requiring a license to drive).
4. Emergency medical personnel must successfully complete an Emergency Vehicle Operators Course prior to driving County emergency vehicles both emergent and non-emergent.
5. A Department of Motor Vehicles driving record request ("MVR") is required for each prospective driver whose position requires driving. Prospective drivers must cooperate by completing the necessary forms to obtain their driving records. The MVR will be reviewed prior to the driver performing the required driving duties. The MVR will continue to be monitored throughout the driver's affiliation with the County.
6. Drivers including but not limited to public safety employees such as firefighters, law enforcement officers, and emergency services personnel (career and volunteer), may be subject to alcohol and drug testing in accordance with applicable federal, state, or County regulations.
7. Non Employee Drivers: Officers or agents representing

the County, and volunteers or other persons acting on behalf of the County, are only authorized to drive vehicles on County business if they obtain written permission from their supervisor within the area to which they are assigned.

6-7.5.3. Driver Responsibilities. The following responsibilities apply to anyone who drives any County vehicle on County business:

1. Drivers shall report mechanical problems to their supervisors as soon as possible.
2. Drivers shall understand and comply with all applicable federal and state driving laws, parking regulations, and all County and departmental safety policies and rules.
3. Except as may be required for patient care provided by emergency services personnel, all drivers and passengers shall wear safety belts when the vehicle is in motion.
4. Except as may be required for the performance of the official duties of an operator of any emergency vehicle all drivers shall refrain from using devices such as PDAs and cellular phones, either hand-held or hands-free, while operating a motor vehicle.
5. Drivers shall be held personally responsible and liable for any failure to comply with the rules of the road for drivers while driving a vehicle on County business.
6. Driving while impaired or possibly impaired by drugs, medication, alcohol, regardless of whether the substance is prescribed or otherwise consumed is strictly prohibited.
7. Drivers shall notify their supervisor as soon as possible of any accident involving damage to County vehicles or to any other property, injury to any individual, or any violation of moving vehicle laws (citations or arrest).
8. A fleet fuel card is provided with all county vehicles. The card may be utilized for fuel only. The employee utilizing vehicles shall retain receipts and submit them to his supervisor for reconciliation. Misuse of fuel cards may subject an employee to disciplinary action up to and including termination.

6-7.5.4. Passengers. Only authorized passengers are allowed to ride in County vehicles in use for County business. Authorized passengers are:

1. County employees conducting County business;
2. Officer and agents representing the County;
3. Volunteers acting on behalf of the County;
4. Participants in official County business and programs;
5. Representatives of other governmental agencies working

with the County;

6. Anyone with prior authorization by the driver's supervisor or with specific authorization by the County Administrator.

6-7.5.5 Incidental Use of County Owned Vehicle for Non-Business Purpose. When operating the County's vehicles, drivers may:

1. Make stops for meals if appropriate to the time of day.
2. Make stops for restroom breaks as needed.

Any stops or other uses of County vehicle equipment is prohibited in all instances if it would expose the County to public perception of misuse or abuse of the driving privilege. County employees or volunteers may not purchase or transport alcoholic beverages at any time, nor transport unauthorized passengers at any time, in a County vehicle.

6-7.5.6 Vehicle Accident Procedures.

1. All accidents and property damage to vehicles must be reported as soon as possible to the driver's supervisor.
2. The appropriate law enforcement authority must be promptly notified and an ambulance requested, as necessary.
3. Except as may be necessary for the preservation of life or property or the prevention or treatment of personal injury, the driver should not make any statements to anyone except the driver's supervisor and any law enforcement or emergency services personnel on the scene.
4. If the vehicle is disabled, the driver must contact his or her supervisor for instructions.
5. Failure to report damage or accident involving County vehicles in accordance with this policy may be subject to disciplinary action up to and including termination.

6-7.5.7 Maintenance of Vehicle Purchase and Title Records

6-7.5.7.1 The Finance Director shall maintain a current listing of all county-owned vehicles and the County department where each is assigned and provide said listing immediately upon request.

6-7.5.7.2 All original vehicle titles shall be filed in the Finance Director's office.

6-7.5.7.3 The Finance Director shall serve as the County's primary representative to the Department of Motor Vehicles and shall have the authority to execute title acquisition and disposal records and

other Department of Motor Vehicles documents subject to all County procurement and disposal policies, departmental needs and budget constraints.

Added August 28, 2018

6-8. Performance.

- 6-8.1. Supervisors have the responsibility of setting up the performance criteria for each position they supervise. These criteria should be discussed with the employee upon the appointment to his position, and again at the beginning of each annual evaluation period.
- 6-8.2. Probationary employees. All new employees serving within a probationary period are considered to be in a "learning capacity." During the probationary period, supervisors should take special notice of progress made in learning duties and responsibilities. If the supervisor determines that the probationary employee is not performing satisfactorily or not making good progress in his job duties, the employee may be discharged.
- 6-8.3. Non-probationary employees. Even with the required satisfactory probationary period behind them, some employees will occasionally fail to maintain acceptable standards of performance and behavior. If a supervisor determines that an employee is not performing satisfactorily, the employee may be placed on conditional status. The performance appraisal may also be extended with the expectation that satisfactory performance must again be realized if the employee desires to retain his position.
 - 6-8.3.1. Prior to dismissing a probationary employee, a department head shall notify the County Administrator of the proposed termination and the reason therefor.
 - 6-8.3.2. Unusual circumstances may occasionally exist to justify extension of an employee's probationary period. Any such extension should only be considered when there is every expectation that the additional period will result in fully satisfactory or better performance. If an extension is to be granted the department head must request approval for the extension from the County Administrator, stating the specific length of the extension and the reason(s) why the extension is justified.
- 6-8.4. It is suggested that, when an employee is having performance problems, the supervisor should alert him of such difficulties and discuss specific ways for improvement. This counseling/coaching is not considered disciplinary in nature, but merely a means to advise an employee of a performance problem so that it may be corrected.

6-9. Employee Discipline.

- 6-9.1. Department head responsibility. It is the responsibility of each supervisor to endeavor to maintain consistent, fair and high standards of discipline. Several acceptable disciplinary actions are described below, which can be used in a progressive manner depending on the nature and seriousness of a problem.
- 6-9.2. Range of disciplinary actions.
 - 6-9.2.1. Verbal reprimand. A verbal reprimand consists of a face-to-face discussion between an employee and his supervisor, in which the supervisor notifies the employee of an offense and gives the employee verbal instructions as to how to correct his behavior and meet expectations from that date forward. The supervisor shall document the fact that a verbal reprimand has been delivered, the date of the reprimand, and a description of the offense or behavior that formed the basis of the reprimand.
 - 6-9.2.2. Written reprimand. A written reprimand is a reprimand reduced to writing documenting the offense and recommending a disciplinary course of action. The written reprimand shall be presented to the employee in a face-to-face meeting and the employee shall be required to sign an acknowledgement of receipt of the reprimand. A copy of any written reprimand shall be sent to the Finance Director for inclusion in the employee's official personnel file.
 - 6-9.2.3. Suspension. A disciplinary suspension is the removal of an employee from his job duties, without pay, for a determined period of time. Suspensions must be documented by a supervisor and approved by a department head. Written notice of a suspension and the reason(s) therefore shall be given to the employee. A copy of the notice shall also be immediately delivered to the Finance Director, along with appropriate forms as deemed necessary by the Finance Director in order to make the necessary payroll and benefits adjustments.
 - 6-9.2.3.1. The length of a suspension will depend on the seriousness of the offense. At the discretion of a department head, a suspension can be immediate or may be scheduled when it will be most effective. (For example, a Tuesday may have greater disciplinary effect than a Friday).
 - 6-9.2.3.2. Suspensions of more than 10 hours in a given pay period will result in the loss of the accumulation of sick and annual leave for that pay period. Other benefits will continue if sufficient income is received to cover deductions.
 - 6-9.2.3.3. Exempt employees may be suspended for less than one full work week only in certain situations (see Section 4, Compensation and Leave).
 - 6-9.2.3.4. An employee may be suspended without pay pending the outcome of an administrative investigation of the facts underlying the suspension. Where the employee is charged with a criminal act, the outcome of the criminal case will

not necessarily affect the outcome of the administrative investigation or the employment status of the employee.

- 6-9.2.3.5. In no case shall an employee be or remain suspended for a period in excess of one (1) year.
- 6-9.2.3.6. Prior to suspending an employee for more than 10 hours in a pay period, a department head shall notify the County Administrator of the proposed suspension, and the reason(s) therefor.
- 6-9.2.3.7. The County reserves the right to stop an employee's direct deposit under a disciplinary situation.
- 6-9.2.4. Reduction in pay. A reduction in pay may be imposed as a means of disciplinary action, meaning that an employee may be moved to a lower pay step within the same pay grade. Any such action must be approved in advance by the County Administrator. Written notice of a reduction in pay and the reason(s) therefor shall be given to the employee. A copy of the notice shall also be immediately delivered to the Finance Director, along with appropriate forms as deemed necessary by the Finance Director in order to make the necessary payroll and benefits adjustments.
- 6-9.2.5. Demotion. An employee may be moved from one job classification to another with a lower pay grade, as a means of disciplinary action. A demotion must be approved in advance by the County Administrator. Written notice of a demotion and the reason(s) therefor shall be given to the employee. A copy of the notice shall also be immediately delivered to the Finance Director, along with appropriate forms as deemed necessary by the Finance Director in order to make the necessary payroll and benefits adjustments. If a demotion is specified as temporary, the length of the demotion shall be stated in the written notice. If a demotion occurs solely due to the employee's less-than-satisfactory performance, as documented in an annual or special performance evaluation, then such demotion is not considered disciplinary in nature.
- 6-9.2.6. Termination of employment. Termination of employment is the most severe form of disciplinary action. Before terminating an employee a department head shall provide the employee with an explanation of the factual basis for termination, and shall afford the employee an opportunity to present his side of the story. Prior to terminating an employee, a department head shall notify and consult with the County Administrator.
- 6-9.2.7. Miscellaneous.
- 6-9.2.7.1. A supervisor should consult with his Department head prior to disciplining an employee.

6-9.2.7.2. A Department head should contact the County Administrator in advance of any employee suspension or dismissal.

6-9.2.7.3. Written material relating to disciplinary matters will not be included in an employee's official file unless the employee is provided with a copy or otherwise is knowledgeable, or should be knowledgeable, of its existence.

6-10. Drug and Alcohol Policy

6-10.1. Purpose. It is the goal of the County to establish and maintain a safe and healthy workplace for its employees, free from drug and alcohol abuse, and to protect the safety of the public by providing the highest quality of service. It is the policy of the county that all County government worksites shall be maintained as a drug- and alcohol-free workplace.

6-10.2. Prohibitions.

6-10.2.1. The use of alcohol and illegal drugs, and the misuse of prescription drugs is prohibited in the County workplace.

6-10.2.2. The possession and/or consumption of alcohol and/or illegal drugs is prohibited in the County workplace.

6-10.2.3. No employee shall unlawfully manufacture, distribute, dispense, possess, or use, on or in the workplace any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or any other controlled substance, as defined in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined by the Code of Federal Regulations (21 CFR 1300.11 through 1300.15).

6-10.2.4. Each employee shall notify his supervisor of his conviction of any criminal drug law no later than five (5) days after such conviction.

6-10.2.5. The County reserves the right to search all County workplaces, for purposes of maintaining a workplace free of drugs and alcohol.

6-10.3. Testing upon reasonable suspicion.

6-10.3.1. Drug tests and alcohol tests may be required of any employee which there is reasonable suspicion to believe that the County employee, regardless of position, is under the influence of illegal drugs or alcohol in the workplace or at any location while engaged in the performance of County duties.

6-10.3.2. A supervisor will make the decision to require a drug or alcohol test based on specific, contemporaneous, articulable observations concerning the appearance, behavior, speech and/or body odors of the employee.

- 6-10.3.3. When a supervisor, in his judgment, has reason to believe that an employee has used or is under the influence of drugs or alcohol, the supervisor should ask another supervisor to corroborate his observations. The following examples, alone or in combination, may comprise "reasonable suspicion" (this list is intended to be illustrative, and is not all-inclusive):
- 6-10.3.3.1. Unexplained inability to perform normal job functions.
 - 6-10.3.3.2. Slurred speech.
 - 6-10.3.3.3. Breath or clothing smelling of alcohol or drugs.
 - 6-10.3.3.4. Unusual lack of physical coordination or loss of equilibrium.
 - 6-10.3.3.5. Unexplained hyperactivity, depression or withdrawal.
 - 6-10.3.3.6. Unexplained inability to think or reason at the employee's normal level.
 - 6-10.3.3.7. Unusual or bizarre behavior.
- 6-10.3.4. During normal working hours, upon a determination of reasonable suspicion, the supervisor shall contact the County Administrator to discuss his observations and to determine the appropriate course of action. If the employee is to be tested, arrangements will be made with an appropriate collection center, and the employee will be transported to the testing site by the supervisor or his designee.
- 6-10.3.5. A supervisor shall prepare a written report of his observations leading to the determination of reasonable suspicion, within 24 hours of the observed behavior and, if practicable, before the results of the drug and/or alcohol test is released. All records shall be immediately sent to the Director of Finance for placement in the employee's personnel file. No copies of such records shall be maintained within the employee's department, or at any location other than within the employee's central personnel file.
- 6-10.3.5.1. All testing information, and all records and information relating to any personnel actions involving an employee who is requested to submit to a drug or alcohol test, and the results thereof, shall be maintained as confidential and disseminated only to authorized individuals on a confirmed "need to know" basis as approved by the County Administrator.
 - 6-10.3.5.2. Any County employee who, without authorization, disseminates any such confidential information shall be subject to disciplinary action.
- 6-10.3.6. If an employee refuses to submit to a drug or alcohol test, then such refusal shall be deemed a positive result. The term "refusal " shall have the same meaning as set forth in 49 CFR Part 40, and includes, but is not limited to,

leaving the testing site without prior notice acceptable to the County, and failure to complete and sign an authorization and consent form. The employee shall be immediately suspended from duty and promptly transported home, pending disciplinary action.

6-10.4. Positive test results.

6-10.4.1. If the results of an employee's alcohol test indicate an alcohol concentration greater than .04, then the employee shall be immediately suspended from duty and promptly transported home, pending disciplinary action.

6-10.4.2. When a confirmed positive test result for drugs has been confirmed through a verification process that allows the employee an opportunity to demonstrate that the test result is from a legally-prescribed medication or other ingestion (i.e., a "verified positive" test result), the employee shall be subject to disciplinary action.

SECTION 7. EMPLOYEE EVALUATION POLICY

7-1. Purpose.

- 7-1.1. The purpose of this policy is to encourage improvement and professional development of County employees. A more efficient working organization can be brought about by an understanding that employees and supervisors are all working together for a common purpose. The conduct of regularly scheduled employee evaluations tends to improve workplace relationships by bringing supervisors and employees into closer contact and producing mutual understanding of job duties and expectations.

7-2. Frequency of Performance Evaluations.

- 7-2.1. Every year, in November, each County employee, including each Department head, shall be evaluated by his immediate supervisor. Additionally, the performance of every newly-hired County employee shall be evaluated at the mid-point of his probationary period, and again prior to the expiration of his probationary period.

7-3. Written Format.

- 7-3.1. The evaluation shall be set forth in writing, on a form approved by the County Administrator.
- 7-3.2. Prior to commencing the formal evaluation for an employee, a supervisor will provide that employee with a self-evaluation form for completion.
- 7-3.3. To determine the overall performance of an employee during the applicable ratings period, a supervisor will consider all relevant data, including observance of job performance, records of the quantity and quality of work performed, substantiated compliments or complaints received regarding the employee, information provided by the employee on his self-evaluation form, and any other relevant information. Facts and circumstances that form the basis of an evaluation should have been established during the course of the evaluation period, through the use of employee conferences, commendations, awards, counseling, written instructions, written reprimands, and disciplinary actions.
- 7-3.4. Both strengths and weaknesses should be noted in the narrative portion of the evaluation form.
- 7-3.5. The rating of "satisfactory" is intended to be used to rate employees who are performing their duties in an efficient, acceptable manner. Sub-par performers should *never*, for any reason, be rated "satisfactory." Similarly, only employees who, during the evaluation period, have demonstrated exceptional performance should receive a rating higher than "satisfactory".

7-4. Review by Department Head.

- 7-4.1. If the evaluation is conducted by someone other than an employee's Department head, the supervisor who has prepared the written evaluation shall review it with the Department head before it is finalized and presented to the employee.

7-5. Presentation of Evaluation to Employee.

- 7-5.1. The evaluator shall discuss each performance evaluation with the employee being evaluated, at an in-person conference with the employee. The evaluator shall:
- 7-5.2. Provide the employee with a copy of the written performance evaluation, and review each of the specific provisions of the evaluation with the employee, explaining why the evaluator assessed each item as he did;
- 7-5.3. Provide the employee an opportunity to comment on the evaluation and to give his opinion regarding his performance during the applicable period;
- 7-5.4. Obtain the employee's signature on the evaluation form, to acknowledge that the information has been presented to the employee in person, and provide the employee with a copy of the evaluation form with the employee's signature; and
- 7-5.4. Advise the employee that, if he disagrees with the results of the evaluation, or if there are any matters that he wishes to clarify or explain, he may submit within five (5) working days following the conference to his supervisor a written statement which shall be attached to the evaluation form and maintained in his personnel file along with that form.

7-6. Use of Evaluation Results.

- 7-6.1. Review by Board of Supervisors. At any time during the year, the Board may submit written comments and suggestions to the County Administrator as to the performance of a Department head. The comments and suggestions shall be shared and discussed with the Department head who is the subject of the comments, and shall be taken into consideration during the annual performance review process. Upon completion of the annual performance evaluation of a Department head, the County Administrator shall present the results of the evaluation to the Board of Supervisors in a closed session, subject to the requirements of the Virginia Freedom of Information Act. If the Board desires any amendments or changes to the evaluation, then the Department head shall be invited to meet with the Board and the County Administrator in closed session to conduct a supplemental review.

7-7. Use of Evaluation Results.

7-7.1. For any employee who does not receive at least a "satisfactory" rating, the employee's supervisor shall prepare a written plan of action, stating what is expected of the employee and milestone dates for achievement of results. The plan shall clearly advise the employee what will happen if the expected improvement is not achieved. The employee shall be required to sign the action plan, and to make a specific commitment to compliance. If the employee refuses, then he shall be terminated from employment.

7-7.2. For employees who receive a "satisfactory" or better rating, the employee and his supervisor will discuss at their review conference specific measures or techniques by which further development can be achieved.

7-7.3. Evaluation results will be used as a basis for determining the allocation of merit pay to employees, in years during which merit pay is available. Evaluation results may also be used as decision-making references in matters relating to promotion, probation, leaves of absence, and disciplinary action.

7-8. Review of Results With County Administrator.

7-8.1. On or before June 10 each year, each Department head shall provide the County Administrator with a summary written report of the numerical results of the performance evaluation rating for each employee. Upon request by the County Administrator, the Department head will review the results of the evaluations in his Department with the Administrator in greater detail.

7-9. Confidentiality of Evaluation Results.

7-9.1. Performance evaluations shall be maintained by the County as confidential personnel records.

SECTION 8: GRIEVANCE PROCEDURE²¹

8-1. Purpose.

- 8-1.1. The purpose of this grievance procedure is to afford each employee an immediate and fair method for the resolution of disputes which may arise between the employee and the County administration.

8-2. Adoption.

- 8-2.1. This grievance procedure and each amendment hereto, shall be certified in writing to be in compliance with state law, by the County Attorney and the County Administrator.
- 8-2.2. The written compliance certification shall be filed with the Clerk of the Circuit Court.

8-3. Definition of grievance.

- 8-3.1. The term grievance, as used herein, shall refer to a complaint or dispute by an employee relating to his employment, including but not necessarily limited to:
 - 8-3.1.1. Disciplinary actions, including dismissals, disciplinary demotions, and suspensions;
 - 8-3.1.2. The application of personnel policies, procedures, rules and regulations;
 - 8-3.1.3. Discrimination on the basis of race, color, creed, religion, political affiliation, age, disability, national origin or sex; and
 - 8-3.1.4. Acts of retaliation as the result of the use of or participation in the grievance procedure or because the employee has complied with any law of the United States or of the Commonwealth, has reported and violation of such law to a governmental authority, has sought any change in law before the congress of the United States or the General Assembly, or has reported an incidence of fraud, abuse, or gross mismanagement. There shall be a rebuttable presumption that increasing the penalty that is the subject of the grievance at any level of the grievance is an act of retaliation.
- 8-3.2. Local governments always retain the exclusive right to manage the affairs and operations of government; therefore, the following complaints are non-grievable:
 - 8-3.2.1. The establishment, negotiation and revision of wages, salaries, position classifications or benefits;

²¹ VA Code 15.2-1506, -1507

- 8-3.2.2. Work activity accepted by the employee as a condition of employment, or work activity which may reasonably be expected to be a part of the job content;
- 8-3.2.3. The contents of ordinances, statutes or established personnel policies, procedures, rules and regulations;
- 8-3.2.4. Failure to promote, except where the employee can show that established promotional policies.or procedures were not followed or applied fairly;
- 8-3.2.5. The methods, means and personnel by which work activities are to be carried on;
- 8-3.2.6. Termination, layoff, demotion or suspension from duties because of lack of work, reduction in work force or job abolition, except there such action has been taken with respect to an employee who has been reinstated within the previous six months as the result of the final determination of a grievance (however, the county's action shall be upheld upon a showing by the county that there was a valid business reason for the action and the employee was notified of the reason in writing prior to the effective date of the action;
- 8-3.2.7. Hiring, promotion, transfer, assignment and retention of employees;
- 8-3.2.8. Relief of employees from their duties in emergencies.

8-4. Determination of qualifying grievances.

- 8-4.1. Decisions regarding grievability and access to the grievance procedure shall be made by the County Attorney, or her designee, at any time prior to the panel hearing. Neither the County Attorney nor the Commonwealth's attorney may decide the question of grievability.
- 8-4.2. Issues of grievability or access to the grievance procedure may be raised by the County Administrator herself, or by request of a department head or the grievant. If such issue is raised by request of a department head or the grievant, then the County Administrator shall make her determination within 10 calendar days of receiving the request.
- 8-4.3. A copy of the County Administrator's ruling shall be sent or delivered to the grievant.
- 8-4.4. The County Administrator's ruling may be appealed by a grievant to the Circuit Court, for a hearing on the issue of whether the complaint is grievable and/or whether the grievant is a person covered by this grievance procedure.Proceedings for review of the County Administrator's decision shall be instituted by the grievant, by filing a notice of appeal with the County Administrator within 10 calendar days from the date of receipt of the decision any giving a copy to all other parties.

8-4.5. Within 10 calendar days after receiving the notice of appeal, the County Administrator shall transmit to the Clerk of the Circuit Court a copy of the decision, a copy of the notice of appeal, and relevant evidentiary exhibits. A list of the evidence furnished to the court shall also be furnished to the grievant. The failure of the County Administrator to transmit the record shall not prejudice the rights of the grievant. The court, on motion of the grievant, may issue a writ of certiorari requiring the chief administrative officer to transmit the record on or before a certain date.

8-4.6. Within 30 days of receipt of such records by the Clerk of the Circuit Court, the court, sitting without a jury, shall hear the appeal on the record transmitted by the County Administrator and such additional evidence as may be necessary to resolve any controversy as to the correctness of the record. In its discretion, the court may receive such other evidence as the ends of justice require.

8-4.7. The court may affirm the decision of the County Administrator or her designee, or the court may reverse or modify the decision. The decision of the court must be rendered within 15 days after conclusion of the hearing. The decision of the court is final, and is not appealable.

8-5. Coverage of personnel.

8-5.1. The County Administrator, or her designee, shall determine the officers and employees excluded from this grievance procedure, and shall be responsible for maintaining an up-to-date list of the affected positions.

8-5.2. All non-probationary permanent full-time and part-time employees of the County are eligible to file grievances, with the following exceptions:

8-5.2.1. Appointees of elected groups or individuals;

8-5.2.2. Officials and employees who by law serve at the will or pleasure of an appointing authority;

8-5.2.3. Deputies and executive assistants to the County Administrator; Department heads and agency heads;

8-5.2.4. Employees whose terms of employment are limited by law; Temporary, limited term and seasonal employees;

8-5.2.5. Any other employee electing to proceed pursuant to some other procedure available by law to the employee for the resolution of his grievance.

8-6. Process

8-6.1. Commencement.

- 8-6.1.1. To initiate a grievance, an employee must file a written complaint, which must include a detailed statement of the facts giving rise to the grievance. The written complaint shall be prepared using a form provided by the county, and must be received by the County Administrator no later than 20 calendar days after the event or circumstances giving rise to the grievance.
- 8-6.2. Step One.
- 8-6.2.1. The first step in the grievance process shall be an informal, face-to-face discussion of the grievance between the employee and the head of his department.
- 8-6.2.2. The only persons who may normally be present in this meeting are the employee, his department head, the employee's immediate supervisor (if different from his department head) and any witnesses desired by them. Witnesses may be present only while actually providing information and testimony.
- 8-6.2.3. If the employee's grievance cannot be resolved to the satisfaction of both the employee and his department head at Step I, then the employee shall, within 7 calendar days after the meeting, submit to the County Administrator a written request to proceed to Step 2.
- 8-6.3. Step Two.
- 8-6.3.1. The second step in the grievance process shall be a formal review of the employee's grievance by the County Administrator. A face-to-face hearing shall be scheduled to take place within 14 calendar days of the County Administrator's receipt of the employee's written request for a Step 2 review.
- 8-6.3.2. The persons who may be present in this meeting are the employee, his department head, and appropriate witnesses. The grievant may also be accompanied by a representative of his choice. If the grievant is represented by legal counsel, the county may also be represented by counsel. The grievant shall be required to notify the County Administrator at least 48 hours in advance of the scheduled meeting if he intends to have a representative present, the name of the representative, and a statement of whether the representative is an attorney. If such notice has not been given, the County Administrator may continue the meeting to a later date, if necessary, so that legal counsel for the County may attend.
- 8-6.3.3. During the review hearing the County Administrator shall consider information provided by the employee and the employee's department head, and witnesses, if any, for each side. Additionally, prior to making any final decision, the County Administrator shall review the employee's annual performance evaluations, records of any prior disciplinary actions, any

relevant county or departmental policies, and other information the County Administrator deems relevant.

8-6.3.4. Within 7 calendar days after the review hearing, the County Administrator shall render a final decision on the grievance. The decision shall be set forth in writing and shall identify with reasonable specificity the facts on which the decision is based. The decision shall be mailed to the grievant at the most recent address of record with the Department of Finance.

8-6.3.5. If the employee is not satisfied with the County Administrator's final decision, then the employee may, within 7 calendar days after receiving the decision, submit to the County Administrator a written request to proceed to a hearing before a grievance panel.

8-7. Panel hearings.

8-7.1. Qualifying grievances shall advance to a hearing before an impartial panel. A panel hearing is the final step in the grievance process.

8-7.2. The grievance panel shall consist of three members: one member selected by the grievant, one member selected by the employee's department head, and a third member selected by the first two. The third member shall serve as the chairperson of the panel.

8-7.2.1. The County and the grievant shall each select their chosen panel member, and shall provide the County Administrator with the panel member's name and contact information within 14 days after the grievant's request for a panel hearing. At the grievant's option, his panel selection may be identified as part of his written request for a panel hearing.

8-7.2.2. Except in cases where the County elects to utilize an administrative hearing officer, the two panel members selected by the parties shall promptly choose the third panel member, no later than 21 days after the grievant's request for a panel hearing. In the event that agreement cannot be reached as to the final panel member, the chief judge of the Circuit Court for Madison County shall select the third panel member.

8-7.2.3. No member of the panel shall have any direct involvement with the grievance being heard by the panel, or with the complaint or dispute giving rise to the grievance. No attorney having direct involvement with the subject matter of the grievance may serve as a panel member, nor may any such attorney's partners, associates, employees or co-employees. Further, the following persons are prohibited from serving as panel members: managers who are in a direct line of supervision of the grievant, persons residing in the same household as the grievant, and the following relatives of a participant in the grievance process: spouse, parent, child, descendants of a child, sibling, niece, nephew, first cousin.

- 8-7.3. The County is not required to have an administrative hearing officer in any case, but at its sole option the County may elect to utilize a hearing officer in employee termination or retaliation cases.
- 8-7.3.1. If the County elects to use an administrative hearing officer, that person shall serve as the third panel member. The County shall bear the expense of the hearing officer's services.
- 8-7.3.2. An administrative hearing officer must be appointed by the Executive Secretary of the Virginia Supreme Court.
- 8-7.3.3. The appointment shall be made from the list of administrative hearing officers maintained by the Executive Secretary, selected from an appropriate geographical region on a rotating basis.
- 8-7.4. Both the grievant and the County may call upon appropriate witnesses and be represented by legal counsel or other representatives at the panel hearing. Such legal counsel or representative may examine, cross-examine, question and present evidence on behalf of the grievant or county before the panel.
- 8-7.5. The following rules shall govern the conduct of each panel hearing:
- 8-7.5.1. The panel shall confer among themselves and shall establish a hearing date, which shall not be more than 30 days after the selection of the third panel member.
- 8-7.5.2. County shall provide the panel with copies of the grievance record prior to a hearing and shall provide the grievant with a list of the documents furnished to the panel, at least 10 days prior to the scheduled hearing. At least 10 days prior to a scheduled hearing, the grievant and his attorney shall, upon request, be allowed access to and copies of relevant files intended to be used in the grievance hearing. At the same time, the County shall provide a list of witnesses to be called on its behalf at the hearing.
- 8-7.5.3. At least 10 days prior to a scheduled hearing, the grievant or his attorney shall provide the County with a list of documents, exhibits and a list of witnesses intended to be used in the grievance hearing. Upon request, the grievant shall promptly, in advance of the hearing, provide the County with copies of the listed documents and exhibits.
- 8-7.5.4. It shall be the responsibility of the panel to determine the propriety of attendance at the hearing of persons not having a direct interest in the outcome of the hearing. At the request of either party, the hearing shall be conducted in private.
- 8-7.5.5. It shall also be the responsibility of the panel to determine the order of presentation of evidence and the relevance and admissibility of evidence

without regard to the burden of proof. A full and equal opportunity shall be afforded to the grievant and to the County for presentation of their evidence.

8-7.5.6. All evidence must be presented in the presence of the panel and the parties to the grievance, except as otherwise agreed by mutual consent of the parties.

8-7.6. Upon conclusion of the hearing, the grievance panel shall meet privately and shall make a final decision on the grievance. The majority decision of the panel shall serve as its ruling. The final decision of the panel, acting within the scope of its authority, shall consistent with existing written policies and procedures of the County and with provisions of state and federal law.

8-7.6.1. The question of whether the relief granted by a panel is consistent with written County policies shall be determined by the County Administrator, or her designee, unless such person has a direct personal involvement with the event or events giving rise to the grievance, in which case the decision shall be made by the Commonwealth's Attorney.

8-7.6.2. The grievance panel shall have no authority to formulate policies or procedures, or to alter existing policies or procedure s.

8-7.7. The panel's decision shall be set forth in writing, and a copy shall be mailed or delivered to the grievant and to the County Administrator within 7 calendar days after the conclusion of the grievance hearing. The panel's written decision shall be final and binding upon the parties.

8-7.7.1. Notwithstanding contrary provisions of this section, a final panel decision rendered under the provisions of this section which would result in the reinstatement of any employee of a sheriffs office who has been terminated for cause may be reviewed by the Circuit Court upon the petition of the County. The Circuit Court's review shall be limited to the question of whether the panel's decision was consistent with provisions of law and written policy.

8-8. Implementation of panel decisions.

8-8.1. Either the employee or the County may petition the Circuit Court for an order requiring implementation of the panel's decision.

8-9. Effect of time periods.

8-9.1. It is intended that speedy attention to employee grievances will be promoted by County officials, consistent with the ability of the parties to prepare for a fair consideration of the issues of concern.

8-9.2. Time periods may be extended by mutual agreement of the County and the grievant.

- 8-9.3. After initial filing of a grievance, the failure of either party to comply with all substantial procedural requirements of this grievance procedure, including the panel hearing, without just cause, shall result in a decision in favor of the other party on any grievable issue, provided that the party not in compliance fails to correct the noncompliance within 5 workdays of receipt of written notification by the other party of the compliance violation. Such written notification by the grievant shall be made to the County Administrator.
- 8-9.4. The County Administrator, or her designee, may require a clear written explanation of the basis for just cause extensions or exceptions. The County Administrator shall determine compliance issues.
- 8-9.5. A compliance decision made by the County Administrator shall be subject to judicial review by filing a petition with the Circuit Court within 30 days of the decision.